

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 1982**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
NINETY-SEVENTH CONGRESS
FIRST SESSION**

**SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES**

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PART 6

DEPARTMENT OF JUSTICE

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**DEPARTMENTS OF COMMERCE, JUSTICE, STATE,
THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS FOR 1982**

TUESDAY, MARCH 24, 1981.

**DEPARTMENT OF JUSTICE
OVERVIEW BY ATTORNEY GENERAL**

WITNESSES

**WILLIAM FRENCH SMITH, ATTORNEY GENERAL
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CHARLES R. NEILL, CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF**

BIOGRAPHICAL SKETCH OF WILLIAM FRENCH SMITH

Mr. SMITH. This morning we are pleased to have with us the distinguished Attorney General of the United States, the Honorable William French Smith. I believe the Attorney General has a statement, but before he proceeds, I would like to insert his biographical sketch in the record.

[Attorney General Smith's biographical sketch follows:]

William French Smith became Attorney General January 23, 1981; born in Wilton, New Hampshire, August 26, 1917; A.B., summa cum laude, 1939, University of California, Phi Beta Kappa; LL.B., 1942, Harvard Law School; U.S. Naval Reserve, to lieutenant, 1942-1946; Gibson, Dunn & Crutcher, Los Angeles, California, to senior partner, 1946-1981; Board of Regents, University of California, 1968 to present (Chairman 1970-1972, 1974-1975, 1976); Board of Trustees: Henry E. Huntington Library and Art Gallery, San Marino, California, 1971 to present; Claremont Men's College, Claremont, California, 1967-1980; Cate School, Carpinteria, California, 1971-1978; Northrop Institute of Technology, Los Angeles, 1973-1975; California Chamber of Commerce, 1963-1981; (president, 1974-1975); Los Angeles World Affairs Council, 1970 to present; (president, 1975-1978); Advisory Council, Harvard University School of Government, 1977; member, American Law Institute, Chicago; American Judicature Society, Chicago; Fellow, American Bar Foundation; member, State Bar of California; American Bar Association; Los Angeles County Bar Association; Advisory Board, Center for Strategic and International Studies, Georgetown University, Washington, D.C., 1978 to present; United States Advisory Commission on International Educational and Cultural Affairs, Washington, 1971-1978; Board of Directors, Legal Aid Foundation, Los Angeles, 1963-1972; member, Harvard Law School Association of Southern California, 1946 to present (national vice president and chairman, 1962-1964); American Jewish Committee Human Relations Award, 1979; University of California Outstanding University Service Award, 1971; University of California Alumnus of the Year Award, 1981; Board of Trustees, National Symphony Orchestra, Washington, 1975 to present; Center Theatre Group, Los Angeles Music Center, 1970-1981; chairman, California Delegation, Republican Na-

tional Convention, 1968; vice chairman, 1972, 1976, 1980; married to the former Jean Webb Vaughan; four children, William French Smith, III, Stephanie Oakes Lorenzen, Scott Cameron Smith, Gregory Hale Smith.

BUDGET REQUEST

Mr. SMITH. I would also like to note that the budget request for the Department of Justice for fiscal year 1982 totals \$2,335,913,000. That amount is \$117,811,000 more than the appropriations enacted to date for the current fiscal year.

When supplemental proposals for the current year are considered, the request for fiscal year 1982 is actually \$9,935,000 below the total levels anticipated for fiscal year 1981. In addition, I should also note that the number of positions for fiscal year 1982 is 52,656, which is 3,023 positions less than the current number authorized. We shall insert at this point in the record pages 6 and 7 of the revised fiscal year 1982 budget summary.

DEPARTMENT OF JUSTICE

1982 Estimates Compared with 1980 and 1981 Requirements
(Dollars in thousands)

<u>Appropriation</u>	<u>1980 Actual</u>	
	<u>Permanent Positions</u>	<u>Obligations</u>
General Administration.....	689	\$32,757
U.S. Parole Commission.....	178	5,754
Legal Activities:		
General Legal Activities.....	2,928	111,805
Foreign Claims Settlement Commission.....	29	924
Antitrust Division.....	939	49,465
U.S. Attorneys and Marshals.....	7,333	255,737
Support of U.S. Prisoners.....	...	21,123
Fees and Expenses of Witnesses.....	...	26,721
Community Relations Service.....	111	5,091
Total, Legal Activities.....	11,340	470,866
Federal Bureau of Investigation.....	19,738	624,953
Immigration and Naturalization Service.....	10,943	351,252
Drug Enforcement Administration.....	4,074	205,250
Federal Prison System:		
Salaries and Expenses.....	9,313	313,547
National Institute of Corrections.....	30	10,930
Buildings and Facilities.....	35	16,563
Total, Federal Prison System.....	9,378	341,040
Office of Justice Assistance, Research, and Statistics:		
Law Enforcement Assistance.....	461	467,558
Research and Statistics.....	110	43,224
Total, OJARS.....	571	510,782
TOTAL, DEPARTMENT OF JUSTICE.....	56,911	2,542,654
Limitation:		
Federal Prison Industries, Inc.	146	4,470

^aIncludes legislative proposal to transfer from the U.S. Attorneys and Marshals 314 positions and \$13,001,000 to the D.C. Government. The functions transferred include prosecutorial authority for D.C. code offenses, court security and other services to the D.C. Superior Court.

1981 Estimate		1982 Estimate		Increase or Decrease 1982 from 1981	
Permanent Positions	Appropriation Anticipated	Permanent Positions	Amount	Permanent Positions	Amount
695	\$34,758	723	\$37,653	28	\$2,895
178	6,131	172	6,461	-6	330
2,928	120,966	2,759	127,136	-169	6,170
18	850	18	705	...	-145
939	46,431	897	49,566	-42	3,135
6,801	285,623	5,959 ^a	278,205 ^a	-842	-7,418
...	22,600	...	25,600	...	3,000
...	27,000	...	29,421	...	2,421
111	5,555	88	5,313	-23	-242
10,797	509,025	9,721	515,946	-1,076	6,921
19,306	682,283	19,421	739,013	115	56,730
10,886	371,568	9,531	363,376	-1,355	-8,192
4,092	216,199	3,897	228,524	-195	12,325
9,160	541,954	8,922	358,282	-238	16,328
30	9,894	30	11,771	...	1,877
35	10,020	25	13,731	-10	3,711
9,225	361,868	8,977	383,784	-248	21,916
390	127,175	125	21,923	-265	-105,252
110	36,841	89	39,233	-21	2,392
500	164,016	214	61,156	-286	-102,860
55,679	2,345,848	52,656	2,335,913	-3,023	-9,935
136	4,736	139	4,965	3	229

Mr. SMITH. Mr. Attorney General, do you have a statement?

Attorney General SMITH. I do, Mr. Chairman, thank you.

Mr. SMITH. You may proceed.

GENERAL STATEMENT

Attorney General SMITH. I am pleased to appear before you today to discuss the 1982 budget request for the Department of Justice. As you know, this is my first opportunity to testify before this subcommittee and I look forward to working with you, Mr. Chairman, and the other members in the years ahead.

The total 1982 request of approximately \$2.3 billion and 52,656 positions is a decrease of approximately \$10 million and a decrease of 3,023 positions from the anticipated 1981 levels, as revised. A more helpful comparison may be the relationship of our new staffing level to our current on-board employment. The new level will require the Department to reduce its current staff over the next 18 months by approximately 1,600 employees. In comparison to the previous administration's 1982 budget estimate, our 1982 request represents a decrease of \$321 million and a decrease of 2,113 positions.

Our request is founded on commitments of this administration. First, Federal spending must be reduced in order to minimize inflation, ensure the nation's economic recovery, and balance the budget in 1984; second, essential to these economic efforts is a reduction of the Federal workforce, where possible, and an increase in productivity to maintain the effective execution of Federal programs; third, every Federal agency must share in the necessary reductions, consistent with its mission and program responsibilities; fourth, Federal enforcement priority will be given to such areas as organized crime, white-collar crime and narcotics trafficking. And, as you know, I recently announced the formation of the Attorney General's Task Force to assist me in formulating strategies in the extremely critical area of violent crime. And fifth, Federal justice subsidies to State and local criminal justice programs should be reduced or eliminated where State and local agencies are capable of assuming greater responsibility. Needless to say, Mr. Chairman, the establishment of priorities often demands that hard choices and difficult trade-offs be made. I believe our request reflects those choices.

Our 1982 request represents a decrease in resources. However, I believe that it does not jeopardize the essential missions of this Department. This administration is as firmly committed to an effective Federal criminal and civil justice effort as it is to improving this nation's defense capability.

Despite the need for budget stringency, we are maintaining or enhancing those programs of highest priority to the Department. In the law enforcement and criminal prosecution area, we are maintaining the fight against organized-crime and white-collar crime and, in certain instances, we are increasing resources for these programs. We are also increasing our resources to conduct foreign counterintelligence and combat high-level narcotics trafficking.

In other areas, there will, of course, be reductions. In corrections, for example, the increase in population caused by the Cuban

entrants has necessitated a delay in the closing of the facilities at McNeil Island and Atlanta. I do, however, intend to continue the phasedown of those institutions.

There are also programs for which we are not proposing resources in this budget request. We will no longer have the funds to continue the U.S. Trustees program and the Juvenile Justice program. I shall address those in more detail later on.

During the next week, Department officials will appear before you to answer specific questions you may have on programs under their direction. At this time, I would like to briefly highlight our total resource request in support of our program plans for 1982.

LITIGATION

Our request for General Legal Activities represents an eight percent reduction in authorized positions from the previous Administration's request. However, the effect of this decrease will not be nearly as adverse as the magnitude of the numbers suggests. First, the 1982 position level reflects the current on-board strength of the legal activities. Neither the quality nor quantity of our current litigative efforts should suffer. Second, the President's policy on reducing the role of the Federal Government in a number of social, economic and regulatory programs may in the long run lighten the Department's civil litigation workload arising from those programs. Third, I believe the current level of criminal litigation resources is sufficient to meet our priorities.

With more efficient use of our criminal prosecutors and support staff, we will continue to emphasize these priorities. Finally, increased application of modern technology to the management of the Department's litigation will produce savings and efficiencies. Therefore, our request includes a \$1.2 million increase for our litigation support activities.

The fiscal year 1982 request for the Antitrust Division will remain unchanged. This administration is, as you know, strongly committed to the integrity of the free enterprise system and, therefore, to the vigorous enforcement of antitrust laws. By not imposing reductions here, we will maintain an appropriate level of Federal activity in this area. In addition, we are planning to propose that the Antitrust Division appropriation be merged into the General Legal Activities appropriation to provide maximum flexibility in utilizing our litigation resources.

The administration also has proposed the elimination of the U.S. Trustees in the Department of Justice program at the end of fiscal year 1982. The allocation of Department of Justice resources to this program has not been accompanied by a decrease in resources in this area by the Federal Judiciary. Since the relationship between the Department and the Judiciary is unique, I have scheduled a meeting with the Chief Justice to discuss ways to work out any difficulties which may result from a failure to fund the Trustees Program in the Department.

We are requesting a modest reduction in authorized positions for the U.S. attorneys. As with the legal divisions, the reduction should have minimal impact on the U.S. attorneys' effectiveness, since the 1982 position levels would be about the same as the current on-board employment level.

The previous Administration proposed the establishment of an autonomous judicial system in the government of the District of Columbia. It called for full authority by the District government in prosecuting violations of laws of the District of Columbia, the custody of prisoners convicted of local violations, and the security of the D.C. Superior Court. I am reviewing this request made by the previous Administration, but I have a particular concern that every possible issue regarding the transfer of the United States Attorney's responsibility and authority for the prosecution of all D.C. felony offenses and the most serious misdemeanors be fully considered. If we are satisfied that such a comprehensive review supports the transfer of these functions, we shall propose the necessary legislation to Congress.

LAW ENFORCEMENT

The Department's request for the Federal Bureau of Investigation demonstrates a strong administration commitment to our law enforcement priorities. For 1982, we are asking for additional resources for the FBI's Foreign Counterintelligence program. The Foreign Counterintelligence program directly affects this Nation's security and the requested increase conforms with the administration's overall policy to improve national security. In addition, funding for undercover and aircraft operations are requested. These increases will do much to facilitate the investigation, prosecution and conviction of major offenders in high priority programs. Increased resources are being requested to improve the FBI's field investigative capabilities, to provide for a substantial acquisition of automated data processing and telecommunications equipment, to modernize and improve the FBI's information and communication systems, and to purchase automobiles in need of replacement. To some extent, the proposed increases are offset by decreases in lower priority field investigative programs.

For the Drug Enforcement Administration (DEA), we are requesting increases in the Domestic Enforcement and Foreign Cooperative Investigations programs to bring greater resources to bear on the Southwest Asian heroin problem and against the financial assets of major narcotics traffickers. Increased resources are also requested for the aircraft and vehicle replacement program, and to provide security for DEA radio transmission and wire communication. Each of these increases is needed to improve both operational readiness and agent safety. While the budget request for DEA reflects some personnel reductions in most of its other programs, this will result in reduced activity only in low priority and regulatory programs. Only the Diversion Investigative Units program would be eliminated.

The budget request for the United States Marshals Service includes a modest increase in the area of automated data processing (ADP). This will enable the Marshals Service to develop a multi-purpose ADP system to improve information available to Service management and, also, enhance the computerized records systems of the Witness Security program. In addition, an increase of \$1 million is requested to expand the prisoner movement capacity of the National Prisoner Transportation System. Increased resources are also requested for the replacement and upgrading of communi-

cations equipment and the establishment, on a pilot basis, of an informant fund. The latter is related to the U.S. Marshals' increased involvement in the location of Federal fugitives.

Offsetting these increases are reductions associated with the continued phase-out of personnel associated with the service of private process. A second area of reduction is in the court security program. Court security is currently provided to the Federal judiciary in civil and criminal proceedings. We believe it is not necessary to provide additional security during nondangerous civil proceedings.

Although the Congress reduced resources for the service of private process in 1981, the Congress did not change the substantive law which requires the U.S. Marshals to serve private process. Again this year, the Department is requesting that a substantive change to the law be made to relieve the U.S. Marshals from that responsibility. We will be including a section in the fiscal year 1982 Authorization Bill to accomplish this. With regard to the security function of the U.S. Marshals Service, the marshals are currently under court order in 78 Federal judicial districts to provide deputies in the courtroom for all proceedings, whether civil or criminal. I will be discussing the service of process and court security issues with the Chief Justice.

The third area of reduction in the Marshals Service relates to the legislative proposal which would remove the responsibility of the marshals for providing "sheriff-like" support to the District of Columbia Superior Court. Under this proposal the D.C. Government would accept full authority over the handling of prisoners convicted of local violations and would be responsible for providing security to the D.C. Superior Court. This change would be part of the possible legislative proposal to which I referred earlier.

In the area of immigration, the Administration believes that there are a number of major issues to be examined before any initiatives are proposed in the budget. There is, for example, reasonable cause to believe that many immigration problems will not respond simply to increased resources. In some cases, decisions concerning the management of current resources may be of greater significance. We would like to allow the new Commissioner of the Immigration and Naturalization Service (INS) to have an opportunity to consider carefully all of the available options. Of course, the final recommendations of the Select Commission on Immigration and Refugee Policy must be thoroughly reviewed, and policy recommendations made to the President. This, as you know, will be the focus of a special interagency task force established by the President. I chair that Task Force, and we will report our recommendations to the President in early May.

Therefore, the request for INS represents no new policy initiatives. About half of the requested decrease of 1,355 positions reflects our decision not to fill vacant positions which are currently authorized. In those instances where the reductions may affect on-board employment levels, normal attrition should minimize the potential for a reduction in force.

In the aggregate, I do not believe the reductions proposed for INS are severe. Our overall employment target for INS in 1982 calls for a net reduction of just over 300 people compared to current on-board levels. In fact, certain INS enforcement programs could actu-

ally gain in employment strength (e.g., Border Patrol and Anti-Smuggling) while we achieve the overall planned reduction in programs delivering lesser benefits. For example, relatively few apprehensions and deportations result from the activities of the programs targeted for reduction, given the current staffing and funding levels being devoted to these programs. It is my intention to review closely with the new Commissioner the most effective way to allocate the new resource levels for INS. Since some programs in INS are to be allowed some growth, in our proposal, I believe we will have considerable flexibility. The budget for INS does include a program increase of about \$5,000,000 for automated data systems, operation of a service processing facility in Miami for Haitian refugees, and repair and alteration of several INS facilities.

Finally, Mr. Chairman, I have, as you know, just announced the formation of a Task Force on Violent Crime, composed of individuals with distinguished backgrounds in criminal justice. I have created this new advisory body because of the conviction of this Administration that the problem of violent crime, although primarily falling within the jurisdiction of State and local law enforcement agencies, has now reached such an alarming level that leadership on the part of the Federal government is both desirable and necessary. The new Task Force will be considering and recommending ways in which the Department of Justice can appropriately exercise that kind of leadership and provide assistance in this area of critical importance to the American people. I look forward to working with the Congress as we begin to address, through this Task Force and through subsequent efforts, the debilitating problem of violent crime.

CORRECTIONS

Except for the influx of approximately 1,700 Cubans in the spring of 1980, the Federal prison population has stabilized. This increase in population caused by the Cuban entrants has resulted in the delayed closing of the McNeil Island, Washington, facility and has slowed the phasedown of the Atlanta, Georgia, Penitentiary. McNeil Island will be leased to the State of Washington for housing of its prisoners beginning this summer. To ameliorate regional overcrowding conditions in the detention area, additional resources are requested to activate a Federal detention center in Tucson, Arizona. We are also proposing reductions in several programs which will more than offset the increases associated with the Tucson facility.

For the Buildings and Facilities program, increases are requested to begin implementing both Departmental and American Correctional Association standards; continue energy conservation activities; convert the Leavenworth, Kansas, Penitentiary to a smaller, more modern correctional facility; and undertake and/or complete essential rehabilitation and renovation projects at various Federal facilities.

STATE AND LOCAL ASSISTANCE

The Department's budget request for the Office of Justice Assistance, Research, and Statistics proposes that funding for the Juvenile Justice program be eliminated. The previous Administration had requested \$136 million for this purpose. Our proposal to elimi-

nate funding does not mean that this Administration believes that the juvenile justice program was not a worthwhile effort. We believe that the Juvenile Justice program is primarily designed to ensure that juveniles are not forced, through a variety of circumstances, into a criminal justice system in which they do not belong. Such objectives can, and should, be met through block grant programs administered by the Department of Health and Human Services and through efforts at the State and local level.

In the Research and Statistics appropriation, the fiscal year 1982 request does include resources for the National Institute of Justice and the Bureau of Justice Statistics.

OTHER DEPARTMENT REQUIREMENTS

In conclusion, our 1982 budget request reflects some reductions in resource levels for the staff offices of the Department. The General Administration request includes the elimination of the State and Local Drug Grant Program and the elimination of \$1.3 million for a series of special studies. It also provides for the transfer of the Office of Justice Assistance, Research, and Statistics audit function to the Department, consistent with the phasing out of the Law Enforcement Assistance Administration.

Finally, the request also reflects my decision to reorganize the Department to improve its efficiency and the overall coordination of Department policy. In reducing overhead, we have proposed the elimination of 58 positions in the General Administration appropriation.

This concludes my statement, Mr. Chairman. I have a more detailed addendum to my opening remarks which, with your permission, I offer to be entered in the record. I shall be pleased to respond to any questions you or the members of the subcommittee may wish to ask.

Mr. SMITH. We will place it in the record.

[Attorney General Smith's addendum to his statement follows:]

ADDENDUM TO
STATEMENT OF THE ATTORNEY GENERAL
WILLIAM FRENCH SMITH
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE FY 1982 BUDGET REQUEST

The 1982 budget request for the Department totals \$2,335,913,000 and 52,656 positions. This request is \$9,935,000 and 3,023 positions less than the levels anticipated in 1981. Adjustments to base programs result in a net increase of \$93,532,000 and 12 positions which is offset by net program reductions of \$103,467,000 and 3,035 positions. Included in the program reductions is \$13,001,000 and 314 positions for a legislative proposal that would relieve the U.S. Attorneys and U.S. Marshals of the responsibility for servicing the District of Columbia Superior Court. This addendum highlights the more significant changes within each appropriation.

GENERAL ADMINISTRATION

The request for General Administration is for \$37,653,000 and 723 positions, a net increase of \$2,895,000 and 28 positions over the anticipated 1981 level. This net increase reflects adjustments to the base of: (1) \$3,466,000 and 70 positions for the transfer of audit and investigation functions from the Office of Justice Assistance, Research, and Statistics (OJARS) to the Justice Management Division (JMD); (2) a reduction of \$475,000 for the transfer of the INTERPOL function to the Criminal Division; and (3) uncontrollable increases of \$1,825,000. The increases for adjustments to the base are partially offset by a net program decrease of \$1,921,000 and 42 positions. Non-personnel related program increases of \$2,208,000 include \$1,288,000 to provide increased research and reference capacity to the Department's

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Library through expanded use of automated information banks, creation of an automated research materials acquisition system, and conversion of existing materials to machine-readable form. The combined impact of these changes will significantly enhance the Library's support to the Department's litigating divisions. The remaining \$920,000 will enable the Department to purchase special secure telephone devices for use in communicating with the United States intelligence community, establish a paralegal and SES training capability, and improve internal accounting operations, budget and planning through further development of the Department's Financial Management Information System. The program decrease of \$4,129,000 and 42 positions is associated with the elimination of the State and Local Drug Grant Program, special studies, and a Departmental reorganization designed to improve efficiency and coordination of Department policy.

UNITED STATES PAROLE COMMISSION

The U.S. Parole Commission (USPC) request is for \$6,461,000 and 172 positions, which represents an uncontrollable increase of \$330,000 and a decrease of six positions. The decrease of six positions is the result of the Administration's intention to reduce employment under the President's Program for Economic Recovery.

GENERAL LEGAL ACTIVITIES

The request for the General Legal Activities (GLA) is \$127,136,000 and 2,759 positions, a net increase of \$6,170,000 and a decrease of 169 positions from the anticipated 1981 level. Of the dollar increase, adjustments to the base account for \$4,663,000 which is comprised of (1) \$475,000 associated with

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the transfer of the INTERPOL function from the General Administration appropriation to the Criminal Division, (2) uncontrollable increases of \$5,178,000, and (3) non-recurring decreases of \$990,000 for FY 1981 supplementals. Program changes represent a net increase of \$1,507,000 for non-personnel requirements and include a reduction of 169 positions resulting from the Administration's intention to reduce Federal Employment under the President's Program for Economic Recovery. The program increase includes \$1,187,000 for litigation support in three legal divisions. Civil Division's increase of \$346,000 will be applied to the Division's programs for word-processing equipment, improvement of productivity, and enhancement of litigation-management techniques. The increase of \$444,000 for the Land and Natural Resources Division will enhance currently existing ADP operations and permit long-range planning and systems development necessary to support litigation of large cases, especially large-document indexing, financial and workload analyses and transcript search. A \$397,000 increase for the Civil Rights Division will permit expansion of litigation support to all Division programs, and enable the Division to respond to an inordinately large number of voting redistricting and reapportionment proposals arising from the 1980 Census. The remaining \$320,000 of the program increase is requested in the Criminal Division for INTERPOL. Of that amount, \$295,000 is for a case-tracking system which is vital to the exchange of international criminal justice information and \$25,000 is for an expected increase in dues for the United States' membership in INTERPOL in 1982.

The reduction of 169 positions is distributed among GLA organizations as follows:

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	<u>Pos.</u>
Office of the Solicitor General	- 2
Tax Division	-33
Criminal Division	-64
Civil Division	-20
Land and Natural Resources Division	- 2
Office of Legal Counsel	- 2
Civil Rights Division	-46
Total	-169

The effect of this decrease on the conduct of the Department's litigation will not be as great as the magnitude of the numbers suggests because the revised position levels approximate the current actual on-board strength of the legal activities. Therefore, neither the quality nor the quantity of the Department's litigative efforts should suffer.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The request for the Foreign Claims Settlement Commission is \$705,000 and 18 positions, which reflects a decrease of \$145,000 from the anticipated 1981 level. Uncontrollable increases of \$44,000 are offset by a decrease of \$189,000. The program decrease reflects a planned phasing-down in the Commission's workload primarily due to the completion of the adjudication of all claims against the German Democratic Republic.

In 1982, the Foreign Claims Settlement Commission will continue to adjudicate the claims of American citizens whose properties were nationalized, appropriated, or otherwise taken by the Socialist Republic of Vietnam. In addition, the Commission will continue to provide information and advice to the public and Federal agencies on past and pending claims programs.

ANTITRUST DIVISION

The 1982 budget request for the Antitrust Division is \$49,566,000 and 897 positions, an increase of \$3,135,000 and a decrease of 42 positions from

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the anticipated 1981 level. The funding increase includes adjustments to the base of \$2,518,000 for uncontrollable items, a net program increase of \$617,000, and a decrease of 42 positions.

The program increase of \$670,000 is requested for computer support for several antitrust investigations and litigation under the Clayton and Sherman Acts, offset by a decrease of \$53,000 in the Division's Administrative Services program.

A decrease of 42 positions is a result of the Administration's intention to reduce Federal Employment under the President's Program for Economic Recovery. Funding for these positions and related workyears were reduced in 1981.

The Division anticipates additional workload in 1982 if the proposed reductions in the Federal Trade Commission are consummated. No additional funding has been requested to handle the possible increase in workload resulting from this action.

U.S. ATTORNEYS AND MARSHALS

The 1982 request for the U.S. Attorneys and Marshals, including the Trustees, is \$278,205,000 and 5,959 positions, which is a decrease of \$7,418,000 and 842 positions from the anticipated 1981 level. The request includes net uncontrollable increases of \$9,561,000, program increases of \$6,723 and 4 positions and program decreases of \$23,702,000 and 846 positions. The program increases include \$4,049,000 for non-personnel increases in the U.S. Attorneys and \$2,674,000 and four positions for the U.S. Marshals Service. Program reductions involve no dollars and 112 positions for the U.S. Attorneys, an amount of \$5,351,000 and 207 positions due to the elimination of the U.S. Trustees program, a reduction of U.S. Marshals programs of \$5,350,000 and 213 positions and a legislative proposal to relieve the U.S. Attorneys and U.S. Marshals of the responsibility

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for servicing the District of Columbia Superior Court which results in a reduction of \$13,001,000 and 314 positions.

UNITED STATES MARSHALS SERVICE

The 1982 request for the U.S. Marshals (USMS) is \$97,091,000 and 1,880 positions which is a decrease of \$6,830,00 and 297 positions from the 1981 anticipated level. The reduction includes net decreases in adjustments to the base of \$299,000, program increases of \$2,674,000, and four positions and program decreases of \$9,205,000 and 301 positions. The program increase of \$2,674,000 and four positions includes: (1) an amount of \$1,000,000 which will enable the USMS to acquire surplus aircraft to expand the National Prisoner Transportation System, a system designed for the long distance transportation of federal prisoners; (2) an increase of \$721,000 for replacement of radio equipment, the establishment of a pilot informant fund, and the continuation of advanced training courses at the Federal Law Enforcement Training Center, at Glynco, Georgia, for witness security inspectors, community detention and enforcement specialists and Deputy U.S. Marshals (DUSM); (3) an increase of \$953,000 and four positions to expand and increase the capability of the Witness Security centralized data information center containing the records of protected witnesses and; (4) the continued development of the SENTRY program, a computerized on-line information system concerning the status of sentenced and unsentenced federal prisoners under the jurisdiction of the Attorney General.

The program reductions of \$9,205,000 and 301 positions consists of three basic items: First, the previous Administration has proposed a decrease of \$3,855,000 and 88 positions as a part of a legislative proposal to transfer the responsibility for support provided the D.C. Superior Court from the USMS to the D.C. government.

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Specific responsibilities proposed for transfer to the District government will be sheriff functions of local concern such as court security, service of process, and the handling of prisoners. As indicated earlier, I am reviewing this proposal and will determine whether to propose the necessary legislation to implement the proposal. The second major decrease of \$3,502,000 and 158 positions is the result of the Administration's intention to reduce federal employment and results primarily from a decision to eliminate the attendance of Deputy U.S. Marshals at non-dangerous civil proceedings. The remaining program reduction of \$1,848,000 and 55 positions is associated with reduced operating levels for service of private process and elimination of unfilled positions in the supervision of unsentenced prisoners program.

U.S. ATTORNEYS

The 1982 request for the United States Attorneys is \$180,844,000 and 4,079 positions, an increase of \$4,763,000 and a decrease of 338 positions from the anticipated 1981 level. This request reflects an increase in the adjustments to the base of \$9,860,000 for uncontrollable items, program increases of \$4,049,000, program decreases for 112 positions and a legislative proposal to relieve the U.S. Attorneys of the responsibility for servicing the District of Columbia Superior Court which results in a reduction of \$9,146,000 and 226 positions.

An increase of \$555,000 in the civil litigation program is requested for additional word processing equipment which will be used to produce correspondence and documents relative to debt collection activities. In the administrative services program, increased funding of \$3,494,000 is requested for equipment and contractual services for the continued implementation of the U.S. Attorneys' case management information system.

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A decrease of 112 positions is a result of the Administration's intention to reduce Federal employment under the President's Program for Economic Recovery.

The reductions by program are as follows:

<u>Program</u>	<u>Positions</u>
Federal appellate activity	-10
Criminal litigation	-65
Civil litigation	-37
TOTAL	-112

The effect of this decrease on the conduct of U.S. Attorneys' litigation will not be as great as the magnitude of the reductions suggests because the revised position levels approximate the current actual on-board strength of the U.S. Attorneys.

U.S. TRUSTEES

The 1982 request for the United States Trustees is \$270,000 and no positions, a decrease of \$5,351,000 and 207 positions from the anticipated 1981 levels. - The proposed reduction will eliminate the U.S. Trustees pilot program which had the responsibility for administering bankruptcy cases in 18 judicial districts. Funding of \$270,000 is necessary to close out the program in 1982.

SUPPORT OF U.S. PRISONERS

The 1982 request for the Support of United States Prisoners totals \$25,600,000, which is an increase of \$898,000 over the anticipated 1981 levels. The increase will expand the amount of detention space available to the Federal Government in local detention facilities in the higher cost metropolitan areas.

FEES AND EXPENSES OF WITNESSES

The 1982 request for the Fees and Expenses of Witnesses appropriation is \$29,421,000, an increase of \$2,421,000 over the 1981 appropriation. The

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increase includes \$921,000 in uncontrollable and \$1,500,000 in program increases.

A program increase of \$500,000 is requested for the Protection of Witnesses activity in order to provide protection for witnesses that have become an important part of the Department's organized crime program. The remaining \$1,000,000 program increase is requested for the Expert Witnesses portion of the appropriation; the growing number of more complex cases necessitates the increased use of expert witnesses whose technical and scientific knowledge supports the defense or prosecution of federal cases.

COMMUNITY RELATIONS SERVICE

The request for the Community Relations Service (CRS) is \$5,313,000 and 88 positions, which represents a decrease of \$142,000 and 23 positions. This decrease results from the Administration's intention to reduce employment under the President's Program for Economic Recovery. With these reductions CRS will concentrate its effort primarily on cases relating to the administration of justice, e.g., police use of excessive force and police community relations. While it will be necessary to be more selective in entering cases in areas such as housing, employment and school desegregation, CRS will still be making important contributions to the resolution of conflicts that may potentially result in significant community unrest.

FEDERAL BUREAU OF INVESTIGATION

The request for the Federal Bureau of Investigation (FBI) totals \$739,013,000 and 19,421 positions, an increase of \$56,730,000 and 115 positions over the anticipated 1981 level. The requested funding includes net adjustments to the base of \$28,153,000 and 12 positions and a net program increase of \$28,577,000 and 103 positions.

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The proposed level for the FBI represents a continued emphasis on crime problems which have a national dimension and which cannot be adequately addressed at the state and local level. The most significant program change is an additional 97 positions and \$4,770,000 for other field investigative programs. In addition, a total of \$2,545,000 is requested for the organized crime and white-collar crime program to provide increased resources for undercover operations and aircraft surveillance in support of the FBI's investigative activities in these high priority areas.

In order to assure the necessary expertise to investigate sophisticated white-collar crime and computer fraud, increased resources are requested for the FBI's training program. The total increase of 16 positions and \$1,363,000 will enable the FBI to provide more training and will provide necessary maintenance staff at the FBI Academy. An increase of 24 positions and \$2,644,000 will provide the required staff and equipment for the Forensic Science Research and Training Center which is scheduled to open this spring. This facility will improve the quality of the FBI's forensic services to the state and local law enforcement community which should contribute immeasurably to law enforcement efforts in the solution of crime--in many cases violent crimes.

Other major items of increase for the FBI are for ADP, vehicle replacement, equipment and telecommunications programs. These increases include \$9,012,000 for the ADP program which will provide funding to meet existing requirements for maintenance and supplies. More importantly they will allow the FBI to expand its information systems and to modernize its communications network in support of its field investigative programs. Additionally, increased resources totaling \$6,835,000 are requested to purchase replacement

automobiles and radio communications equipment. Increased funding of \$1,275,000 is requested to purchase equipment for the Automated Identification Division System effort.

The resources for these increases were made available, in part, by a shift of personnel to these high priority investigative programs from those of lesser urgency in which workload has declined or which can be effectively investigated by another agency. Accordingly, reductions of 46 positions and \$1,413,000 are proposed to lower priority field investigative programs, and a reduction of \$504,000 was also made to the headquarters Coordination program.

IMMIGRATION AND NATURALIZATION SERVICE

The 1982 request for the Immigration and Naturalization Service (INS) totals \$363,376,000 and 9,531 positions which represents a net reduction of \$8,192,000 and 1,355 positions below the anticipated 1981 level. The overall dollar reduction is comprised of uncontrollable increases of \$17,619,000 which are offset by non-recurring decreases of \$10,137,000 and net program decreases of \$15,674,000. About one half of the 1,355 reduction in authorized positions are against unfilled positions and in those instances where the reductions impact on on-board employment levels, normal attrition should minimize any potential reduction-in-force. These reductions are part of the President's Program for Economic Recovery and are directed at programs which can best sustain the reductions. Renewed emphasis will be placed on increased efficiency and elimination of unnecessary functions.

Program increases of \$5,076,000 are requested for non-personnel related items and are comprised of: (1) an increase of \$2,200,000 for the Detention program which will allow INS to operate the Krome (North) detention facility

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in Miami to process Haitians; (2) an increase of \$1,073,000 for the Construction and Engineering program will allow INS to provide needed repairs and alterations to service-owned facilities; and (3) an increase of \$1,803,000 will allow INS to keep the Non-immigrant Document Control System current, expand its automated management systems to include property, fleet, facilities and procurement modules and make required payments to the Justice Data Center.

Offsetting these increases are personnel-related program decreases totaling \$19,687,000 and 750 positions comprised of: (1) a decrease of 100 positions, \$5,033,000 and 66 workyears for the Inspection program (\$3,500,000 is a reduction associated with a proposal to repeal 1931 Act overtime and replace it with 1945 Act overtime); (2) a decrease of 228 positions, \$4,327,000 and 120 workyears for the Investigation program; (3) a decrease of 300 positions, \$6,150,000 and 219 workyears for the Adjudications program; (4) a decrease of 72 positions, \$1,112,000 and 25 workyears for the Status Verification program; (5) a decrease of 50 positions, \$551,000 and 36 workyears for the Records program and (6) decreases of \$2,202,000 in the Border Patrol (Immediate Border) program and \$312,000 in the Communications Systems program related to equipment funds associated with positions authorized in FY 1981 which will not be filled. The remaining program decrease of \$1,063,000 results from reduced travel for training and a proposed amendment to the Cargo Preference Act which would provide for the shipment of household goods on foreign flag vessels.

It is also important to note that 605 positions, which are generally unfilled, are being reduced in FY 1982 for which no dollar reduction is possible. Although \$10,842,000 and 312 workyears would have accompanied

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this reduction, the dollars have been used in 1981 and 1982 to absorb a portion of the October 1980 pay increase.

DRUG ENFORCEMENT ADMINISTRATION

The 1982 request for the Drug Enforcement Administration (DEA) is \$228,524,000 and 3,897 positions, which is an increase of \$12,325,000, but a decrease of 195 positions from the 1981 appropriation anticipated. Adjustments to the base account for a net change of \$12,575,000 which includes net uncontrollable increases of \$13,656,000 offset by a transfer of \$1,081,000 associated with DEA's program to measure drug abuse to the National Institute of Drug Abuse. Program changes represent a net decrease of \$250,000 and 195 positions and result from program increases of \$6,306,000 and 36 positions which are offset by program decreases of \$6,556,000 and 231 positions.

The program increase of \$6,306,000 and 36 positions consists of \$1,565,000 and 26 agent accountants to establish a strong financial investigations program; an increase of \$1,101,000 and 10 positions to support major Southwest Asian heroin investigations; funding of \$1,900,000 to establish vehicle and aircraft replacement programs; funding of \$1,000,000 to accelerate implementation of DEA's radio voice privacy system; and an amount of \$740,000 to acquire data encryption devices for DEA's teleprocessing system.

Offsetting program decreases of \$6,556,000 and 231 positions are a result of the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. Reductions were made in virtually every other DEA program. However, the Diversion Investigative Units program is the only program to be eliminated (24 positions and \$1,404,000 reduction.) Residual funding remains in this program for 1982 in order to meet commitments

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under existing cooperative agreements. The other major decrease is made to the State and Local Task Forces program (94 positions and \$2,519,000). This decrease may necessitate the closing of four or more of the smaller task forces.

Under this budget request, DEA will place its emphasis upon programs of primary federal responsibility while attempting to meet all major operational commitments within available resources. Despite the net decrease in positions, DEA will place greater resources against major foreign and domestic traffickers. In addition, DEA will dedicate more personnel to the complex investigation and analysis of financial transactions in order to subject a larger share of trafficker assets to forfeiture.

FEDERAL PRISON SYSTEM

The Federal Prison System's (FPS) 1982 resource level considers the stabilization of the federal prison population. The declining population growth trend of recent years is largely attributed to the prevailing federal investigative and prosecutorial policy for the past several years which has focused on "quality national cases" versus "larger-volume but lower priority cases." The latter are often covered by concurrent state and local jurisdiction. The Administration expects the population level to be more stable in 1982 rather than to continue in a downward trend. We believe this will occur because of the Administration's intent to provide a leadership role and demonstrate its commitment to countering instances of violent crime by marginally increasing our investigative and prosecutorial effort in such cases involving concurrent federal jurisdiction. During 1980 and continuing into 1981, the FPS has been able to house approximately 1,700 Cuban entrants while remaining under overall prison capacity by about one percent as of the end of February 1981. The 1982 request totals \$383,784,000 in budget author-

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ity and 8,977 positions compared to the anticipated 1981 request of \$361,868,000 and 9,225 positions. This resource level is distributed among "Salaries and Expenses," "Buildings and Facilities," and the "National Institute of Corrections" appropriations.

SALARIES AND EXPENSES

The FY 1982 request for "Salaries and Expenses" is \$358,282,000 and 8,922 positions; this represents a net increase of \$16,328,000 over the FY 1981 anticipated appropriation and a net decrease of 238 positions. The net dollar increase is comprised of \$21,117,000 in uncontrollable costs which are offset by non-recurring decreases of \$690,000 and net program decreases of \$4,099,000.

Program increases of \$2,502,000 and 28 positions are requested and they are: (1) \$1,909,000 and 28 positions spread across several programs to activate the Tucson, Arizona, Federal Detention Center in 1982; (2) an increase of \$500,000 for on-line SENTRY program costs; and (3) an increase of \$93,000 to enhance existing medical programs.

Offsetting these increases are personnel-related decreases totaling \$4,444,000 and 266 positions spread over 10 programs which are the result of the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. Specifically, the reductions are as follow: (1) a reduction of 71 positions and \$461,000 associated with the closure of all farm operations because a FPS study has concluded that the value of farm production is minimal when related operational costs are considered; (2) a reduction of 24 positions in the medical services program; (3) a reduction of 101 positions and \$1,504,000 distributed

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among several programs will maintain employment in 1982 at the approximate level of current employment; (4) a reduction of 31 positions and \$1,634,000 would be achieved by terminating FPS' operation of Federal Community Treatment Centers and replacing the Centers with state, local or private contractor support; and (5) a reduction of 39 positions and \$845,000 results from a decision to cancel final implementation of the functional unit management concept at two institutions.

Additionally, the request includes non-personnel related program decreases totaling \$2,157,000. These decreases represent cost savings realized from the decline in the federal prison population (excluding the approximately 1,700 Cubans currently being housed in federal correctional facilities) which are reflected in three program areas--Contract Confinement (\$1,500,000) Contract Community Treatment Centers (\$30,000) and Food and Farm Services (\$127,000).

NATIONAL INSTITUTE OF CORRECTIONS

The FY 1982 request for the "National Institute of Corrections" appropriation is \$11,771,000 and 30 positions. This reflects an increase of \$1,877,000 over the FY 1981 anticipated appropriation, and is comprised of \$984,000 in uncontrollable increases and \$893,000 in program increases which will provide increased technical assistance and training to state and local agencies.

BUILDINGS AND FACILITIES

For "Buildings and Facilities" the request is \$13,731,000 and 25 positions, representing a net increase of \$3,711,000, and a decrease of 10 positions. The changes are comprised of an increase of \$696,000 for uncontrollables, a decrease of \$4,060,000 due to non-recurring costs for the

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rehabilitation of existing structures and utilities systems, and proposed program increases totaling \$7,075,000. The FY 1982 program changes include a decrease of 10 positions to align 1982 employment with approximate current on-board employment, and an increase of \$7,075,000 to fund numerous projects. The increase will enable FPS to undertake the following initiatives: (1) \$2,125,000 to start important energy conservation projects; (2) \$1,700,000 to begin the first phase of a three phase conversion of the Leavenworth, Kansas, Penitentiary to a smaller, more modern facility; (3) \$1,215,000 to start or complete utilities rehabilitation; and (4) \$2,035,000 to make improvements to existing structures.

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

The Justice System Improvement Act of 1979 established four organizational entities: The Office of Justice Assistance, Research, and Statistics (OJARS), the Law Enforcement Assistance Administration (LEAA), the National Institute of Justice (NIJ), and the Bureau of Justice Statistics (BJS). In addition, the recent reauthorization of the Juvenile Justice and Delinquency Prevention Act established this office as a separate entity within OJARS. The 1982 request for OJARS totals \$61,156,000 and 214 positions, which represents a decrease of \$102,860,000 and 286 positions from the 1981 appropriation anticipated. As in 1981, the 1982 request does not contain any funding for LEAA's grant programs. OJARS' resources are provided by two appropriations, "Law Enforcement Assistance" and "Research and Statistics", and the requests for these appropriations are described below.

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LAW ENFORCEMENT ASSISTANCE

The request for this appropriation is \$21,923,000 and 125 positions, which is a decrease of \$105,252,000 and 265 positions from the 1981 appropriation anticipated. Of major significance is the elimination of resources associated with the Juvenile Justice Program, which was \$100,000,000 in FY 1981. The 1982 request would only provide resources for the Public Safety Officers' Benefit Program (\$12,500,000) and sufficient staff to close out the remaining LEAA and Juvenile Justice grant programs.

Although no funding has been requested for OJARS' Juvenile Justice Program, the Administration expects that state and local jurisdictions may be able to utilize various existing Department of Health and Human Services block grant programs to continue successful juvenile justice efforts.

RESEARCH AND STATISTICS

This appropriation contains the resources associated with NIJ and BJS programs. The 1982 request totals \$39,233,000 and 89 positions, which represents an increase of \$2,392,000 and a decrease of 21 positions from the 1981 appropriation anticipated. Of this increased amount, \$1,400,000 is for uncontrollable items. Program changes result in a net increase of \$992,000 and a decrease of 21 positions. A program increase of \$1,160,000 will provide for the assessment of the Uniform Crime Reports now administered by the Federal Bureau of Investigation (FBI) and the redesign of the National Crime Survey of Victimization. This is offset by program reductions of \$168,000 and 21 positions which results from the Administration's intention to reduce employment under the President's Program for Economic Recovery.

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It should be noted that the current FY 1981 appropriation for these activities is only \$19,000,000. The revised 1981 budget request of \$36,841,000 includes a program supplemental for NIJ and BJS of \$17,034,000 and a supplemental request for the pay cost increase of \$807,000.

IMPORTANCE OF ANTITRUST ACTIVITIES

Mr. SMITH. Thank you for your statement, Mr. Attorney General. It is a very good statement. Most of the members of the committee who have been here for several years, I think, would agree.

I think you have been asking for a reduction in the number of people, while stating that you can do that without reducing the effectiveness of the Department. I think it is possible. I am one of those who believes that, not in all agencies but certainly in this Department. All I have to do is to refer to the Antitrust Division.

I agree with you wholeheartedly that the very roots of the free enterprise system depend upon smaller businesses having an opportunity to enter into a market and to operate without being forced out by predatory practices or by other anticompetitive means. It is vital at this time. Every time we have Small Business Committee meetings people testify about how they are being manipulated, one way or another, by shared monopolies or oligopolies. It is just central to a good, free enterprise system that we have strongly enforced antitrust laws, but we haven't had that under any Administration I can remember.

I don't think it is the number of people working for Antitrust. We have provided more people. In fact, this committee didn't provide as much as was provided by amendments on the floor several times, but that doesn't make any difference. It is how you use the people, wanting to make the system work.

I think you can do it, if you stay on top of it. I am glad to have your statement about the Antitrust Division, because I don't think there is anything that there is probably more agreement on in the Congress than that we ought to be enforcing more strongly and more effectively our antitrust laws. Do you agree with that?

Attorney General SMITH. We agree completely with that.

ATTORNEY GENERAL'S RESPONSIBILITY

Mr. SMITH. I have an overall question, though. We have heard many Attorneys General testify before this committee. Some testify with the attitude, and maybe it is shaped by the Administration they work for, that they represent all of the people, and that their position as Attorney General is to render those opinions that they believe are completely in accord with the law.

Others think that they represent the Administration, and that they are supposed to find some way the Administration can do what it wants to do, whether it is in accordance with the law or not. What is your position? What is your position as Attorney General? What responsibilities do you have?

Attorney General SMITH. There is certainly one thing that I have learned since I have been at the Department of Justice, and that is the highly professional nature of the people who are there.

So far as I can tell, particularly with respect to the production of legal opinions and taking of positions in court, that is done on a highly professional basis, and generally speaking by a very able group of people. We believe our function is to provide the President and the other departments of government with objective legal advice. Our function is not to bend and sway in accordance with the desires or wishes of any of the other departments.

SMALL BUSINESS DISASTER LOANS

Mr. SMITH. I certainly hope that is the result, because we have seen it the other way, and in the end the best thing you can do for the Administration is to give them the right advice, rather than to try to help them achieve something that isn't in accordance with the law. I won't belabor the point, but I have an opinion before me rendered last week by Larry Simms with regard to the Small Business Disaster program. I assume he is one of your new appointees?

Attorney General SMITH. No, he has been there for quite some time.

Mr. SMITH. Has he? That is certainly a political memorandum. I am sure it is going to be taken to court, and the chances are about one in one hundred that it will ever stand up in court.

Attorney General SMITH. I am afraid I haven't seen that, Mr. Chairman.

Mr. SMITH. It is concerned with whether you can provide a disaster loan for less than the net loss to the disaster victim. I don't think there is any question about the legislation. I have asked counsel on the committee about it, and they all say there is no question about it. Anyway, I advise you to take a look at it.

I just think that the best thing you can do for the Administration is to make sure that your Department renders objective, correct legal advice because politically motivated advice doesn't survive in the end. We saw this in 1969 and 1970. They tried this. They were taken to court and in the end they spent a lot of time in court and were still overruled.

Attorney General SMITH. I have long since concluded that, both in private practice and certainly in government service, if you do not provide objective correct legal advice, you are in effect doing a disservice.

Mr. SMITH. Correct.

Attorney General SMITH. To all concerned, including yourself.

Mr. SMITH. To your client, and in this case the clients are both the President and the general public.

Attorney General SMITH. Could I have the date on that?

Mr. SMITH. The 19th of March and the 17th of March. I have copies of it.

LEGAL SERVICES CORPORATION

One other question before I yield to the other members. I am concerned as I think the whole Bar Association and many people in the United States are, about eliminating the Legal Services Corporation.

How can we really discuss having a country based upon laws and a legal system rather than the edicts of individuals, and yet not have an opportunity for those citizens that can't afford our legal system, to get the necessary legal services?

Attorney General SMITH. As you are aware, I am sure, Mr. Chairman, the Legal Services Corporation is not within our budget.

Mr. SMITH. I know it isn't.

Attorney General SMITH. And therefore we have not really come to grips with that. That has been considered on a budgetary basis up to this point. The Administration's approach to that is in line

with what you might call the new federalism, that these services are very much needed, but that they should be provided, at least insofar as Federal funding is concerned, through the block grants from HHS and through State and local and private efforts.

Mr. SMITH. Of course, this program wasn't even consolidated into a block grant. It was eliminated in the proposal. You did serve on the Legal Services Board, didn't you?

Attorney General SMITH. I served the Los Angeles group for over 10 years.

Mr. SMITH. Did it work reasonably well?

Attorney General SMITH. It worked very well. As a matter of fact, when I first went on it, it was funded almost entirely by private funds. As a matter of fact, if I recall correctly, it was funded entirely by private funds, and had been for years, a long time before I first went on it. It was a very successful operation. Towards the end of my tenure, it began to accept funds from governmental sources, and has done so, so far as I know, ever since. But in any case, the desire of the Administration here is not to terminate those services or to terminate access to the courts on the part of the poor, but to provide for the financing in a different way and at a more local level.

Mr. SMITH. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

Mr. Smith, I would like to welcome you and echo the remarks of Chairman Smith.

Mr. Attorney General, in my seven years on the committee we have seen several Attorneys General come and go. Mr. Rooney keeps coming back, though. I am really looking forward to cooperating with you.

Attorney General SMITH. Obviously, he is not carrying his fair share of the weight.

DOMESTIC TERRORISM

Mr. EARLY. This committee recognizes the importance of your office and has gone out of its way to give you almost anything you have asked for. I do have some questions, however, I would like to ask. This year, like last year, the FBI requested a decrease in funding and personnel for the domestic terrorism program. Do you think that is a wise savings?

Attorney General SMITH. As a matter of fact, that is one area where I think it is very appropriate that there be a reduction, because that is a planned scheduled reduction based upon occurrences. The fact is that since the middle 1970s there has been a definite decline in domestic terrorism.

Mr. EARLY. I appreciate that, but let me ask you this: If two bombs go off tomorrow, will you have sufficient resources to handle the situation?

Attorney General SMITH. We can handle two. As a matter of fact, I think last year there were 45, and we were able to handle those. Actually, this particular budgetary item is designed to meet the workload. It really is as simple as that.

Mr. EARLY. As long as you are confident that you have sufficient resources—

Attorney General SMITH. We are. Actually, you will also note that there is an increase insofar as international terrorism is concerned because there has been an increase in that area, but the FBI is quite confident that since really the end of the Vietnam War the decline in domestic terrorism has been substantial.

ELIMINATION OF JUVENILE JUSTICE PROGRAM

Mr. EARLY. The Juvenile Justice program is being targeted for elimination in fiscal year 1982. Have there been concrete indications that the program will become a part of the consolidated block grant program?

Attorney General SMITH. That is the purpose. Actually, this particular aspect is one of those hard choices that we had to make.

Mr. EARLY. Right. Don't we really have responsibility, Mr. Smith, to ensure that juveniles do not get placed in a criminal justice system, in which they do not belong?

Attorney General SMITH. Indeed.

Mr. EARLY. My own State is getting into an economic pinch, probably more than any other State because of Proposition 2½. There is a big inclination to put juveniles in Walpole and in other prisons.

Attorney General SMITH. The fact that we are cutting back on it in no way reflects on the caliber or desirability of the program at all.

Mr. EARLY. You say that in your statement. I am strictly a dollars and cents guy, Mr. Smith. When you suggest a reduction, I see a devaluation of the program. I think that is how in appropriations at least, we assess a program. If we fund it, we think it is a good program. If we cut back or eliminate it, we really don't think it is that good.

Attorney General SMITH. I don't think that is the way we look at it. In the current budgetary stringency, we have to look at it in terms of priorities, not really desirability. So far as I know, there is no criticism of this program. I think everybody feels that it is a desirable program, but the thrust here is to fund it through block grants from HHS, and through local and state and possibly private funding sources.

Mr. EARLY. We put it in a block program with HHS. Mr. Conte and Mr. O'Brien aren't here, because they are at the Labor/HEW Subcommittee. They asked me to tell you that is why they are not here at this time. If we put juvenile justice funds in a human resources consolidated block grant program, in my state, at least, I doubt that any of the funds will be used for that purpose.

Instead the funds will go to a program that puts food in the bellies of the poor. They will go to a program that puts a house over their heads for shelter. With such drastic decreases in the amount of monies in block grants, I don't know how much is going to be there for this type of a discretionary-type program.

Attorney General SMITH. Well, that is a problem. I can't deny that, certainly. Of course, we are confronted with the problem if we don't decrease this program, where do we do it. What we have done here is to look at those programs which do not seriously affect our ability to engage in our law enforcement activities and our litigation activities, which are activities we have to engage in. In other

words, those areas are not really discretionary, so we have to look for other areas, as we did with Juvenile Justice and with U.S. Trustees, where there is some discretion, even though we would prefer not to do it.

Mr. EARLY. I am going to ask you about the U.S. Trustees in a minute because, Mr. Smith, you recognize how fast you are going and how fast everything is happening with these cuts. I think there are a couple of reductions or eliminations that really are penny-wise and pound-foolish.

DRUG ENFORCEMENT

General, you have decreased \$7.7 million in the Drug Enforcement Administration, for State and local assistance programs. The bulk of that reduction is for the termination of several task forces throughout the United States. I know in my State, Mr. Smith, that the only way we have been able to go after drug traffic is with Federal monies.

Attorney General SMITH. Yes.

Mr. EARLY. The local forces did not have enough resources and neither did the States. Are we going in the right direction here?

Attorney General SMITH. As a matter of fact, actually that is the direction we are going in. In other words, the priority here is with respect to Federal drug enforcement efforts, and where we have cut has been in those areas that involve State participation, where the results have been mixed. In some cases the programs have been successful. Some of those task forces, for example, that you mentioned, have been successful, and those will continue.

Mr. EARLY. How many of those task forces will this \$7.7 million reduction eliminate, Mr. Smith?

Attorney General SMITH. I think seven or eight will be eliminated. Possibly 15 will continue. I think that is about right.

Mr. EARLY. I just reiterate, General, the only way my community has been able to go after this problem is with your participation.

Attorney General SMITH. That is right, and in that area we are not affecting it, or at least not affecting it seriously.

Mr. EARLY. Fine.

ELIMINATION OF U.S. TRUSTEES PROGRAM

General, I want to stay within my 10 minutes, so I will move on to the U.S. Trustee program. I understand you are targeting the Trustee program for elimination in 1982?

Attorney General SMITH. Yes. Well, elimination insofar as our budget is concerned.

Mr. EARLY. Did this recommendation come from OMB or from the Justice Department?

Attorney General SMITH. It came from OMB.

Mr. EARLY. Mr. Smith, the Secretary of Education appeared before the Labor/HEW Subcommittee yesterday. Chairman Smith was there. He cited the problems he was having with his budget proposal. The Secretary of Education met with Mr. Stockman, and bingo, there was Education's budget proposal. I think Dave Stockman is a smart fellow, but I don't know anyone that knows all things about all things.

Here is a program which I think the Judiciary Committee spent eight to ten years ago putting together. Just last year they put

their model program intact, in 18 districts, and here you are suggesting that we should eliminate them. The inference is that there is a financial savings. Is the responsibility merely going to be shifted from the Trustees to another department?

Attorney General SMITH. Actually, as I indicated in my statement, I am going to be talking to the Chief Justice about this question, among some others.

LEGISLATION REQUIRED TO ELIMINATE BANKRUPTCY TRUSTEES

Mr. EARLY. I appreciate that. I am not advocating them. If you conclude that they should be eliminated, fine. Would this elimination call for legislation?

Attorney General SMITH. That is right, it would.

Mr. EARLY. You are a practical man. You are a very successful man. Do you think the Judiciary Committee will abolish the program after eight years of study, after listening to the testimony of witnesses, after implementing the new program for only one year?

Attorney General SMITH. Well, as always, the best we can do is recommend, and whatever action the Congress takes, of course, is within its wisdom.

Mr. EARLY. And what would happen, Mr. Smith, if the legislation wasn't passed? What would happen if we approved the reduction but didn't pass the necessary legislation? Where would we be in those model areas in which the program is being implemented? It is in my area, Mr. Attorney General. I don't know how good it is. I don't know how bad it is.

Attorney General SMITH. I don't really have a feel for that either. I have heard some criticism and I have heard some complimentary references to the program.

SUCCESS OF BANKRUPTCY TRUSTEE PROGRAM

Mr. EARLY. So you don't have a suggestion that the Trustees have not been effective or competent?

Attorney General SMITH. No, that is not the basis of our position here.

Mr. EARLY. I have received several letters testifying to their expertise.

Attorney General SMITH. I think it is generally recognized that this is an area where something needed to be done.

Mr. EARLY. I agree with you, but that is why I think that after eight years they thought they were finally doing something with this model program.

Attorney General SMITH. Yes.

Mr. EARLY. I have trouble, Mr. Smith, with rescissions. I do not believe rescissions are usually responsible. We pass the budget and announce it to the nation, and tell each state and locality how much money it will get.

Attorney General SMITH. Yes.

Mr. EARLY. In six months or a year we say we don't really mean it that, we are going to take the money back. I don't really think that is good government. I think there are serious problems in this. I think that the model programs have worked very, very well.

ADMINISTRATIVELY UNCONTROLLABLE OVERTIME

Mr. Smith, you have an account within the Department of Justice called Administrative Uncontrollable Overtime. What is the purpose of this account?

Attorney General SMITH. I will have to turn to Mr. Rooney.

Mr. ROONEY. Administratively Uncontrollable Overtime, Mr. Early, is used in the law enforcement bureaus, the FBI, DEA and INS.

Mr. EARLY. How much is currently in the fund?

Mr. ROONEY. About \$60 million.

Mr. EARLY. Don't we have a separate line item in the FBI, DEA and INS for overtime?

Mr. ROONEY. The Administratively Uncontrollable Overtime, Mr. Early, relates to the method for paying an agent who is on duty and remains on duty after the end of the day. Rather than being paid on a basis of time and a half, the agent is paid based at the rate of GS-10, step 10. It is in effect a cheaper form of overtime, and the agent can accumulate overtime under administratively uncontrollable overtime up to the maximum Federal salary level of \$50,000.

Mr. EARLY. Will you supply for the record how much the FBI and all the individual departments have in their overtime accounts?

[The information follows:]

DEPARTMENT OF JUSTICE

(Estimated 1981 overtime payments (included in total at right))

	Total overtime	AUO	1931 act overtime	1945 act overtime
General Administration	\$372			\$372
U.S. Parole Commission	54			54
General Legal Activities	822			822
Antitrust Division	390			390
U.S. attorneys and marshals				
U.S. attorneys	370			370
U.S. trustees	48			48
U.S. marshals	9,886			9,886
Total, U.S. attorneys and marshals	10,304			10,304
Community Relations	42			42
Federal Bureau of Investigation	49,359	\$39,738		9,621
Immigration and Naturalization Service	32,954	13,315	\$9,961	9,678
Drug Enforcement Administration	10,224	9,569		655
Federal Prison System				
Salaries and expenses	2,781			2,781
Buildings and facilities	3			3
Total, Federal prison system	2,784			2,784
Office of Justice Assistance, Research, and Statistics				
Law Enforcement Assistance	134			134
Research and Statistics	27			27
Total, OJARS	161			161
Total, Department of Justice	107,465	62,622	9,961	34,883

DEPARTMENT OF JUSTICE

(Estimated 1982 overtime payments (included in total at right))

	Total overtime	AUO	1931 act overtime	1945 act overtime
General Administration	\$366			\$366
U.S. Parole Commission	54			54
General Legal Activities	824			824
Antitrust Division	390			390
U.S. attorneys and marshals:				
U.S. attorneys	370			370
U.S. trustees				
U.S. marshals	8,194			8,194
Total, U.S. attorneys and marshals	8,564			8,564
Community Relations Service	42			42
Federal Bureau of Investigation	43,749	\$40,193		3,556
Immigration and Naturalization Service	27,743	12,419		15,324
Drug Enforcement Administration	10,155	9,551		604
Federal Prison System				
Salaries and expenses	2,854			2,854
Buildings and facilities	3			3
Total, Federal prison system	2,857			2,857
Office of Justice Assistance, Research, and Statistics				
Law Enforcement Assistance	20			20
Research and Statistics	27			27
Total, OJARS	47			47
Total, Department of Justice	94,791	62,163		32,628

Mr. EARLY. Mr. Smith, I don't think anyone in Justice should get overtime, but I think you also have to raise the salaries of your people. I think they are drastically underpaid.

Attorney General SMITH. So do we. I am glad you gave me the opportunity to say so.

STATE AND LOCAL DRUG GRANTS

Mr. EARLY. Last year the Congress appropriated \$9.5 million for the State and local drug enforcement programs. I understand you are going to defer \$6.3 million of that amount and transfer it to the FBI. Isn't the State and local drug enforcement program one of the more effective programs within the department?

Attorney General SMITH. Well, yes and no. In some cases yes, in some cases no, but this goes back to what we talked about before. Where there are cuts generally speaking in the drug enforcement area, the emphasis has been on retaining the Federal jurisdiction, and whittling down on the State, because by and large, as I think you have indicated, the effectiveness per dollar spent is greater there than with respect to those areas involving the State. This is one of the reasons why this has been done.

Mr. EARLY. I don't know how it is in Iowa, Mr. Chairman, but I know in Massachusetts the State is not going to absorb anything. When we pull the Feds out of a program this upcoming year the State is just not going to absorb it. I have some reservations about this cut.

Attorney General SMITH. I don't believe that is universally true, though, Mr. Early. Actually, there are some task forces that are considered to be quite successful around, and those are not going to be touched.

Mr. EARLY. I don't want to be parochial, but there is one State that sticks out a little bit with me, that just voted for Proposition 2½. The State is going to have to lay off 8,000 teachers and thousands of police and firemen. This cut will just compound the problem.

I have other questions but I will defer.

Attorney General SMITH. I want you to know that was also my home State for quite a while.

Mr. EARLY. Glad to hear that.

Attorney General SMITH. So I have more than a parochial interest in it.

Mr. EARLY. Could I ask you where?

Attorney General SMITH. Boston.

Mr. DWYER. Where else?

Attorney General SMITH. Yes, where else?

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

Mr. Smith, I join in the welcomes expressed by others of the committee, but I want to say as regards Mr. Rooney, we are delighted to have you back, Mr. Rooney. I wasn't sure that that was the message that was being communicated, but we are. We appreciate the continuity that your presence represents.

DEA'S DIVERSION INVESTIGATIVE UNITS

In regard to the Drug Enforcement Administration, Mr. Smith, referring to the questions Mr. Early has asked, will the diversion investigative units program be the only one eliminated.

Attorney General SMITH. That is right. Those are efforts shared between the Federal and the State authorities, designed to wrestle with the problem of controlled drugs and the misuse of controlled drugs. This is a program where the results have been spotty. Some have been successful, some have not. Those that have been successful are in place, and should continue.

Mr. HIGHTOWER. What does a successful program of a diversion investigative unit accomplish? Tell me about a successful program of a diversion investigative unit.

Attorney General SMITH. It is really a training unit that works with State and local authorities; that is, the DEA works with State and local authorities, to attempt to control the illicit use of drugs that are controlled. In other words, control those drugs that are issued to hospitals and to doctors and to other sources, laboratories and so on, and to prevent those drugs from getting into the wrong hands.

Mr. HIGHTOWER. Prevent diversion of drugs from legal sources to illegal?

Attorney General SMITH. Illegal, exactly.

Mr. HIGHTOWER. Do you aid the various States in that task?

Attorney General SMITH. Yes, and what this program is designed to do from the Federal standpoint is to aid the States in setting up programs to accomplish this.

Mr. HIGHTOWER. But that has not been successful?

Attorney General SMITH. It has been successful in some areas and not successful in others, and in those areas, as I understand it, where it has been successful, the States are in a position to take them over and continue to run them, and in those areas where they have not been successful, there is no point in continuing to further fund them in any case.

Mr. ROONEY. Mr. Hightower, if I may just expand on that a little bit.

Mr. HIGHTOWER. Yes.

Mr. ROONEY. Basically, the program has been one of providing seed funding to the States, and providing an agent to supervise the operation for a couple of years. For two or three years there is a cycle and we draw some up and turn them over to the States and begin new ones in other States. There are approximately 20-some-odd today. In effect, what we are talking about here is eliminating that seed funding and turning them over to the States. Some States have opted not to pick it up.

IMPORTANCE OF DRUG ENFORCEMENT

Mr. HIGHTOWER. I am in favor of eliminating programs that are unsuccessful. If something is unsuccessful, I think we ought to eliminate it and try something else. This worries me a little bit in the area of drug control. If we have an unsuccessful program why would we walk off and leave it without substituting something in its place. It appears to be either a problem that is not a problem, or it is such an impossible problem that we are going to forget it.

Now, if it is no longer a significant problem, that is one thing. If it is still a significant problem, I think we have a responsibility to try to come up with something else, if that effort wasn't working. Let's try something that will work, because there is just nothing that is eating at the heart of the whole area of law enforcement and nothing to compare with drugs. If we can get at that core area which is such a great part of the responsibility for a large percent of the crime in the United States today, then I think we ought not walk off and leave it.

Attorney General SMITH. Of course, it is important to look at the overall drug enforcement effort. For example, in this budget, as has been the case for some time, the thrust has been in the direction of controlling the source and controlling the entry into this country. This is a more productive way to go at it than, if you have limited resources, than to spend them at the retail level. The cost-benefit is so much more per dollar spent, if you can get at the major suppliers, for example, rather than go after the small retailers. So the thrust by and large has been to go to those two areas, rather than the local distributors.

This program deals with, in effect, the local distribution, and it is very important. There is no question about the fact that it is important, but when you have so many dollars to spend, you have to look at the overall picture, and you have to make some hard decisions. This is one of them, but in addition to being a hard decision, there is some question about the overall effectiveness of this program, but that does not mean any diminishing of the intensity of the effort.

Mr. HIGHTOWER. Thank you.

ILLEGAL ALIENS

Let me switch over to another area of concern. I missed part of the questions this morning, and I apologize for being a little late, but I am very concerned about the Immigration and Naturalization Service. One of my problems with the previous Administration was that we did not seem to have a policy about illegal aliens.

Now, the illegal alien problem is a tremendous problem in my part of the world. We have had budget requests from the INS, and in their testimony they recognize that they are not really addressing the problem of people coming across the Rio Grande River.

When we had so much national publicity about the people coming from Cuba and Haiti, it had the whole country excited. You moved people from the Rio Grande to Florida to work on that problem. More were crossing daily over the Rio Grande than were coming in by boat, and continuing to do it. They did it last night, and will do it again tonight, yet we have not really addressed the situation.

Now, you are new on the job, and I know you are probably finding that the job was bigger than the President had described it to you when he offered it.

Attorney General SMITH. You are right.

Mr. HIGHTOWER. There is always tremendous responsibilities for the Attorney General of the United States. I hope that we will get down to addressing the reality of the problem of illegal aliens, and doing something about it.

We had information last year that we were not even furnishing enough gasoline for the Border Patrol. They could not go out to intercept when they knew people were coming. Hands were tied because they did not have the funds to do something about it. Now we are talking about reducing positions. You seem to be saying it is a hopeless situation. We are not going to do anything more about it. I would much rather you just close the offices completely and say "come one, come all," if you are not going to be serious about controlling the illegal immigration in this country. If you say, well, we are going to catch one out of ten and send him back, buy him a bus ticket back to Mexico, why? What it really does is give them a chance to spend a "free day" at home and rest up a little bit. Then they show up again in the fields of California, Texas, Arizona and New Mexico.

Mr. SMITH. Factories in Chicago.

Mr. HIGHTOWER. Factories in Chicago and in Boston. The problem is all over the country. It is not easy. Of course, as has been so often said, the easy answers were found and applied a long time ago.

I hope that the energies of your Department will be addressed at least partially, in this area. I am disturbed at seeing this kind of budget request saying, you are just not going to fill these positions. You are going to decrease 1,355 positions, when we could increase 1,355 positions and still be poorly manned in a lot of those stations, considering the seriousness of their responsibility and what they have to do. I think maybe we would be better off as a nation if we just said, well, we are going to make the borders free to anybody

and everybody, than to pay lip service to control and then not do anything about it.

INS BUDGETARY CONCERNS

I have taken too much time talking to you, I am sure my office is no different from these other members. We have certain immigration problems, people that have tried to abide by the law, want to abide by the law, and could make a valuable contribution to the social and economic life of the community that want to come in, and have every good reason for coming in. Yet they are picked up or told to report and go back, or are not allowed to come in at all, and we are real tough and mean about it. If somebody can manage to slip across, take their shoes off and wade the Rio Grande and Colorado, you just don't get excited about that at all. Are you going to do anything about it?

Attorney General SMITH. Actually, Mr. Hightower, I would say that of all of the activities in the Department of Justice, the one that has caused more concern and interest, both from the standpoint of the members of Congress that I have talked to as well as the public at large, has been immigration and naturalization. When I appeared before the full House Judiciary Committee, I think that at least three-quarters of the members of that committee raised this question, indicating strongly that, either because of constituencies or otherwise, it was a major concern.

We have exactly the same concern. I look upon that area as perhaps creating some of the most difficult problems that we will have to face in the Department, and there are no answers that are going to be noncontroversial. There are very hard questions there. As far as this budget is concerned, there is nothing there which in any way indicates any lack of intent to do something about the problem.

POSITION REDUCTION IN INS

Mr. HIGHTOWER. Except you are cutting out 1,355 positions.

Attorney General SMITH. Except if you look at those positions carefully, for example, you mentioned the Border Patrol. The Border Patrol actually is going up by 113 or 114 on-board positions. That is true with anti-smuggling and the Border Patrol. The only places where there are on-board reductions, and the actual reductions are in the neighborhood of about 300 which would be normally taken care of by attrition, are in activities that are not very productive right now.

There is no doubt about the fact that the INS has been leaderless now for years. Its organization is in very bad shape. We all know that. There are no policies really, as you say.

The Select Commission on Immigration has just come in with its report, and its conclusions are now being studied by this Cabinet-level committee of which I am the chairman. We are going to have to make some recommendations to the President, and hopefully as a result of all that, there will be developed an Administration policy. But that policy is not going to satisfy everybody, by any means, whatever it is. Right now I don't have any idea what it will be, but we are looking at it very hard.

CURRENT IMMIGRATION LAW

Mr. HIGHTOWER. May I draw a little historical parallel from experience in our part of the world. I am from Texas and my district borders for many hundreds of miles on Oklahoma. I live about 20 miles from the Oklahoma border, so we know what goes on in Oklahoma pretty well. For many, many years Oklahoma was considered a dry State. They didn't have legal liquor in Oklahoma. They could buy it in Texas and take it across, and we did quite a good business along that border area. I didn't personally, but I am acquainted with people that did.

Oklahoma people liked it fine. Everything went along well. Then they got a governor that decided he would enforce the liquor laws, and really cracked down. Well, it upset a lot of people, but he enforced the law. Then they changed the law, and now they can buy liquor in Oklahoma, and they have a much better situation. We have a much better situation in Texas. We don't have as many drunk drivers in the area and it is much better for everybody. This is because one man, even though it was an unpopular law, decided to enforce it, and he brought about the necessary change in the laws.

May I make the obvious comparison. I think that if we would enforce the law as it is now, and make it tough and make it stick, it is going to make a lot of people unhappy. But then we will address the problem, and maybe we can come out with the kind of legislation that we can all live with. Let's take the law as it is and enforce it rigidly, and if it takes more people and more money, come to Congress and say, "Congress, if you are not willing for us to enforce the law, you change it, but you have given us this law and we want to enforce it and we are going to enforce it no matter if it scalds and who it scalds, it doesn't make any difference. We are going to get tough on this policy."

I believe that is going to be the only way, because a lot of people like it the way it is, because it does not hurt anybody. We can close our eyes to it and maybe it will go away and maybe we will all adjust in time, and in a thousand years nobody will know the difference.

Well, that is not a very enlightened way to govern. I really hope that this Administration will do something that obviously needs to be done, and I would encourage you in every way. If the Congress is not willing to change the law, then enforce it the way it is. When I complain about it, say "Congressman, I am sorry, that is the law you passed for us. If that is not the way you want it enforced, why, we will come up and testify. You get a bill before the Judiciary Committee and we will come up and tell you how we feel about it. We may be for your new bill, but we are going to enforce the law the way it is." I believe we will see some changes made.

Thank you. I am not going to charge you anything for that. I appreciate the chance to visit with you.

Attorney General SMITH. We certainly intend, first, to reorganize the organization, which it badly needs right now. We have just moved Doris Meissner into the position of Acting Deputy Commissioner, and we are in the process of looking for a Commissioner with very heavy organizational talents, because I think that is one of the things that is needed first before you can do anything else.

Of course as you say, it is important to develop immigration policy, and that is the function of the task force. We intend to produce something there, too, which, as you say, may not be very popular but at least it will be a policy.

Mr. HIGHTOWER. That is all.

EMPLOYER SANCTIONS

Mr. SMITH. Before we leave the subject, I just want to mention that we have quite a body of opinion here that a law that makes it illegal for an employer to knowingly employ an illegal alien would be worth more than 10,000 guards. We always hear the story of how the employer would know he is hiring an illegal alien? Well, a lot of them are paying \$125 each for the names, to have them show up. They know what they are doing. Have you taken a position on that yet?

Attorney General SMITH. No, we haven't, but as you know, the Select Commission did, on both the question of employing illegals as well as the identification card.

Mr. SMITH. Mr. Dwyer.

Mr. DWYER. Thank you, Mr. Chairman.

I have no questions but just two comments. I would like to congratulate the Attorney General because I think his answers have been very, very candid and very, very informative to me as a new member.

JUVENILE JUSTICE PROGRAM ELIMINATION

There is just one area that I find very, very upsetting, that is: the elimination of the juvenile justice program. I think to place them in an area where they are going to have to compete for the block grants, I would reiterate Mr. Early's statement, is penny-wise and pound foolish, and I think we are going to come to regret it.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Early, do you have any more questions?

BANKRUPTCY TRUSTEES ELIMINATION

Mr. EARLY. Just a couple on the Trustees, if I could, Mr. Smith. With regard to the Trustee program, wasn't the purpose of the code to separate the judicial from the administrative aspects of bankruptcies?

Attorney General SMITH. Yes, I think so in part, as I understand it. I am not really too familiar with the history of how that developed, but I do know that there seemed to be the universal feeling that changes needed to be made in that area, and this was the pilot effort to at least accomplish any change.

Mr. EARLY. What will be the effect of the termination of the program on the pilot districts, do you know?

Attorney General SMITH. So much of it turns on what happens as a substitute. For example, you can make a very good argument that the whole program should really be within the judiciary; it should not be in the Justice Department. As a matter of fact, when it was first debated I think that was the position that Attorney General Bell took, that really it is a judicial function and not a

Department of Justice function, and that is an area that would have to be considered.

Mr. EARLY. But isn't it true that in these pilot districts, the crucial powers in administering bankruptcies lie with the Trustees and not with the bankruptcy courts?

Attorney General SMITH. I think that is true.

Mr. EARLY. Who will assume the control of these powers, if we eliminate the program now?

Attorney General SMITH. If we eliminate the Trustees, presumably we would go back to the same system we had before, in essence.

Mr. EARLY. I think earlier you answered my question. We can't do that without new legislation. Can we?

Attorney General SMITH. No, that is right. It would require legislation.

Mr. EARLY. Does the judiciary budget provide funds for the transfer of these duties?

Attorney General SMITH. No, it does not.

LEGAL ATTACHÉS BUDGET

Mr. EARLY. This year you are funding the FBI's legal attachés at the level Congress suggested?

Mr. ROONEY. That is true. In fact, we submitted a reprogramming notification this week on that.

Mr. EARLY. I think we are going in the right direction there. Just one other question, Mr. Chairman.

On the overtime, Mr. Rooney—and again I do want to give the impression to you, Mr. Smith, that I think Mr. Rooney is outstanding—

Mr. SMITH. You don't want to give that impression?

Mr. EARLY. I do want to give that impression. I get in enough trouble as it is.

DOMESTIC TERRORISM

With respect to the domestic terrorism again, you know that there are always people who try to generate fear in the big cities. They say we are going to have an awful lot of unrest and rioting as it was in the 1960s. What would the Justice Department's role be in that?

Attorney General SMITH. I am not sure of the question.

Mr. EARLY. How much funding and personnel were involved in maintaining order during the riots of the 1960's?

Attorney General SMITH. I am not sure I can answer the question.

Mr. EARLY. Something like the Chicago Convention.

Attorney General SMITH. Of course, it all depends on how you define domestic terrorism.

Mr. EARLY. I mean local problems such as local terrorism, not domestic terrorism.

Attorney General SMITH. You are just talking about disorders?

Mr. EARLY. Disorders, yes.

Attorney General SMITH. That would be, of course, primarily the responsibility of the State and local governments.

Mr. EARLY. But I think we saw back there then they couldn't handle it, the Department of Justice took a role in it.

Attorney General SMITH. Sometimes when it does get out of hand, the FBI will step in as, for example, they have done in Atlanta, where there are unusual circumstances. But essentially the question of riots and civil disorders and so on, is a peacekeeping function of the state and local authorities.

Mr. EARLY. It is their responsibility, but if they are not doing it, you intercede as you are in Atlanta, and as you did in Florida with the other turmoil we had there?

Attorney General SMITH. Yes.

Mr. EARLY. I just hope we have the resources available to implement corrective actions quickly.

Attorney General SMITH. We are satisfied that we do, absent some highly unusual circumstance, in which case I am sure we would be back to you.

FEDERAL PRISON SYSTEM INSTITUTIONS

Mr. EARLY. Are those new institutions that you spoke of in your statement, Mr. Smith, tied in with the Federal Prison System? You spoke of a new institution in Arizona.

Attorney General SMITH. In Tucson?

Mr. EARLY. Yes.

Attorney General SMITH. Yes, it is part of the Federal Prison System, but it is designed primarily to provide a penal institution for that area, and that has to do in part, incidentally, with immigration.

Mr. EARLY. Right. In your statement you explain that fairly well. In the last five years this committee has seen a steady decline in the number of inmates. Are we doing anything different that is causing that, or are we going to do anything to adjust that?

Attorney General SMITH. The way it sits right now, the Federal prison population has stabilized. As a matter of fact, we would be slightly under our capacity, except for the 1,700 Cubans that are now occupying Atlanta and McNeil. Once those are disposed of, however, that would give us additional capacity, but that is the way the situation is now.

Mr. EARLY. Are we going to close those facilities as we had originally intended?

Attorney General SMITH. Yes.

Mr. EARLY. That is all I have.

Mr. SMITH. Mr. Hightower? Mr. Dwyer?

Mr. HIGHTOWER. No questions.

Mr. DWYER. No questions.

LEGISLATIVE PROPOSAL

Mr. SMITH. I just have one or two more questions. I noticed in your statement you made a reference on the proposal to transfer United States Attorneys' responsibilities and authorities for the prosecution of D.C. felony offenses and serious misdemeanors. Has that authority been transferred yet?

Attorney General SMITH. No. That would require legislation.

Mr. SMITH. It has not.

Attorney General SMITH. We are in the process of studying that. We haven't come to any conclusions as yet, but if we were——

Mr. SMITH. You won't do it unless there is legislation passed?

Attorney General SMITH. Oh, no. It would require legislation.

Mr. SMITH. But you just have not taken a position on the legislation yet?

Attorney General SMITH. That is right.

Mr. SMITH. I want to thank you, Mr. Attorney General, for your appearance. I think you have made a very good impression on the committee. You have shown an outstanding capacity to understand this vast Department in a short period of time, and I especially want to, again, urge you to be Attorney General for all the people and to give the President the best legal advice, whether it is what someone in the Administration wants or not.

Attorney General SMITH. It is the only way to do it, as far as I am concerned.

Mr. SMITH. Thank you very much, Mr. Attorney General.

Attorney General SMITH. Thank you, Mr. Chairman.

[The following questions were submitted for the record by Chairman Smith:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Violent Crime

This Administration has indicated its intent to try to do something about violent crime. However, the Department's budget request proposes significant decreases from the original budget for FY 1982 for the Criminal Division, the U.S. Attorneys, and the Drug Enforcement Administration. In addition, your revised budget request would eliminate entirely funds for the Juvenile Justice and Delinquency Prevention Program, the objective of which is to prevent youthful offenders from becoming adult criminals. How can you square these proposed reductions with your emphasis on the reduction of violent crime?

The primary policy goal of this Administration is to control inflation, balance the budget by 1984, and ensure the economic recovery of our nation. To accomplish this, we are committed to initiatives to reduce federal expenditures, reduce the size of the workforce, increase productivity and eliminate waste and fraud in the Federal Government. This is a problem of government-wide concern. Every federal agency is expected to share in the necessary reductions, consistent with its mission and program responsibilities. The Department of Justice is not exempted from these objectives. Toward that end, we have identified areas where resource reductions will have only a marginal adverse impact upon our major policy objectives. A significant segment of these reductions has been in areas where the impact, measured from federal policy priorities, is expected to be less than in other major policy areas. Many of the positions which are being eliminated are, in fact, unfilled at this time. As such, it can be expected that the reductions will have minimal adverse impact.

Within this overall framework, the Administration is pursuing other important policy areas of which violent crime is one of our major concerns. I have established a Task Force on Violent Crime to recommend the role the Federal Government should assume in the national effort to reduce violent crime in our streets. If it is determined that the Department should undertake a greater effort in this area, the task force will consider resource issues, as appropriate. Since this area is one in which state and local governments have primary responsibility, however, it is unclear that a redefinition of the proper federal role will result in a need for significant additional federal program resources. For this reason, I am deferring a decision on any potential program increases to combat violent crime until I have received the report of the task force.

Organized Crime

Let's take the proposed reduction of 17 positions for organized crime prosecutions in the Criminal Division. This does not seem to be in line with the intent of the Administration to concentrate on violent crime which we know organized crime is prone to do. This reduction is of concern to us because there is some evidence to indicate that you are having difficulty in handling the prosecution of organized crime figures. What do you believe the impact of such a reduction

will be? Are some organized crime figures going to walk free because you do not have the resources to prosecute them?

The effect on the organized crime program for 1982 will be negligible. While 17 positions are to be eliminated only one workyear will be reduced. The positions were not able to be filled due to insufficient funds and workyears in 1981. The reduction essentially brings into close alignment the number of positions and workyears actually affordable. The 1982 request compares generally with current level staffing.

Do you believe that your Organized Crime Strike Force Program has had a major impact on organized crime? If so, what have been your most note-worthy accomplishments?

The attached report highlights recent convictions of the country's most notorious organized crime leaders. We deduce logically that such a series of convictions of organized crime family bosses has had a great impact on the organizations involved in particular and on the problem generally.

Memorandum

Subject

Organized Crime Update,
June 1, 1980 - December 1, 1980

To: The Attorney General
The Deputy Attorney General

In this third periodic report in the past year and a half on our efforts against organized crime, we highlight nine recent convictions of some of the country's most notorious organized crime leaders. Since June 1, five organized crime family bosses, as well as significant mob figures in four other cities, have been convicted. Los Angeles family boss Dominick Brooklier and the family's entire ruling hierarchy -- former boss, underboss, consigliere and capo -- have been convicted of racketeering and extortion. Frank Tieri, leader of New York's Genovese family, has been found guilty of racketeering and conspiracy to commit bankruptcy fraud and faces up to 30 years' imprisonment. Kansas City family boss Nicholas Civella has been sentenced to four years' imprisonment for conspiring to bribe a federal official. Alphonse Persico, acting boss of the Colombo family in Brooklyn, has been convicted of loansharking and is now a fugitive. For the first time, the legendary Joe Bonanno, who now lives in Tucson, Arizona, was convicted of a felony. He was found guilty of obstruction of justice in an investigation involving the possible infiltration of legitimate business by organized crime. And ranking organized crime figures in Detroit, Cleveland, New Haven and Los Angeles have been found guilty of racketeering, bribery, fraud and extortion.

In our first two periodic reports we discussed twenty-seven significant prosecutions concluded since July of 1979. In these cases 186 persons were convicted of a wide variety of the serious criminal activities conducted by organized crime -- labor racketeering, extortion, robbery, fraud, sports bribery, cigarette smuggling, income tax evasion, narcotics offenses, trafficking in illegal firearms, loansharking, gambling, arson-for-profit, counterfeiting, banking offenses, embezzlement, obstruction of justice, explosives offenses and securities theft. The notable convictions discussed included labor racketeers Michael Clemente, Tino Fiumara, Anthony Scotto and other corrupt officials of the International Longshoremen's Association; Anthony Provenzano and three New Jersey associates; and the insurgent mob faction in Rochester, New York, responsible for conducting open street warfare.

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While the effects of this incapacitation of the top leadership of several organized crime families across the country in rapid succession cannot yet be evaluated, the disruption of the syndicate's top ranks has long been a principal objective of the Department's organized crime program. In accomplishing that objective, our prosecutors and agents have achieved unparalleled success.

The case discussions in this report, along with those in the two earlier reports, provide some valuable clues to the factors responsible for that success. A principal obstacle faced by the Government in prosecuting top-level organized crime figures is the absence of voluntary testimony of the kind that produces most criminal convictions. Organized crime family members take vows of secrecy and loyalty that are seldom broken. Further, mob retaliation against informants is routine; therefore, neither co-conspirators nor victims are likely to volunteer information. Finally, top leaders are usually kept well insulated from high risk activities that might produce evidence against them.

The nine cases described in detail in this report demonstrate that this curtain of silence can be pierced by concentrated law enforcement efforts. The first requirement is a dedicated, long-term investigative undertaking, often lasting years. Every conceivable source must be combed for bits of hard-won evidence by specialized investigators who are freed from the pressures of normal caseloads. Substantial resources must be committed to such a task even where there is no guarantee of success. The cases in this report, principally the investigative product of the Federal Bureau of Investigation, indicate that the Bureau has made the necessary commitment and that it is beginning to produce results.

Dogged investigative effort is not enough, however. The convictions reported here resulted from the successful application of some of our most sophisticated law enforcement techniques which compensate for the lack of voluntary testimony. The Witness Relocation Program of the United States Marshals Service, in which witnesses in danger of retaliation are relocated and given new identities, was the crucial factor in four of these prosecutions. For example, all four of the principal witnesses against Frank Tieri were protected government witnesses. One of them, former Los Angeles family underboss James Fratianno, also testified against his former Los Angeles colleagues in the Brooklier case and against Cleveland mob figure Anthony Liberatore. Two other protected witnesses testified against Liberatore, who was found guilty of bribing an FBI clerk. Another of the Tieri witnesses, Joseph Cantalupo, also provided the bulk of the evidence against Alphonse Persico.

A second evidence-producing technique that was successfully employed in these cases is the undercover operation. The FBI's undercover pornography enterprise in Los Angeles enabled agents

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themselves to testify in the Brooklier case about extortion by the mob. Similarly, Drug Enforcement Administration agents posing as large-scale narcotics dealers in Los Angeles were extorted by the mob and later testified in the Ponticelli case. Undercover FBI agents were also active in the Iuteri case in Hawaii.

Finally, recorded conversations of organized crime figures, obtained either through court-authorized wiretapping or by an undercover agent or cooperating witness participating in the conversations, provided indisputable evidence in several cases. For example, the FBI had placed court-approved taps on the phones on which Kansas City boss Nicholas Civella discussed the bribery of a federal prison warden and on which Joe Bonanno discussed obstructing a grand jury investigation. Protected government witness Joseph Cantalupo taped conversations he had with subordinates of Frank Tieri and Alphonse Persico, and once even with Persico himself, threatening him and his family in connection with shylock loans.

The lessons learned from these successful cases will continue to be applied by the Federal Government in every appropriate situation in its effort to keep the pressure on the top levels of organized crime. Other significant organized crime figures are now under indictment in several cities, and investigations are presently underway which will lead to a continuing succession of indictments and convictions in the months ahead.

The convictions discussed in this report and other successful organized crime prosecutions across the country are the product of careful investigative work by the Federal Bureau of Investigation, the Drug Enforcement Administration, the Labor Department, the Bureau of Alcohol, Tobacco and Firearms, the Postal Inspectors, the Secret Service, the Customs Service and the Internal Revenue Service, often with assistance from state and local police. The prosecutions were conducted by attorneys from the Organized Crime Strike Forces and from the Organized Crime Unit of the United States Attorney's Office for the Southern District of New York, with assistance from other United States Attorneys and their assistants.

The Brooklier Case

On November 14 the entire ruling hierarchy of the Los Angeles organized crime family was convicted of racketeering and extortion charges. The charges stemmed from shakedowns by the mob of book-makers and pornographers; also among the predicate offenses in the racketeering charge was the murder of FBI informant Frank Bompensiero. Family boss Dominick Brooklier was convicted of racketeering and racketeering conspiracy, as was former family boss Louis Tom Dragna.

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Underboss Samuel Sciortino was convicted of the substantive racketeering count but acquitted of conspiracy. Family consigliere Jack LoCicero and caporegime Michael Rizzitello were convicted of the substantive and conspiracy racketeering charges as well as a separate conspiracy to extort an undercover FBI operation. A sixth defendant died before trial. All defendants were acquitted of obstruction of justice charges.

The FBI undercover operation was initiated as a result of informant reports that the Los Angeles family engaged in regular shakedowns of pornographers and bookmakers, including some Las Vegas casino owners. Unable to induce the extortion victims to testify, the FBI set up its own pornography enterprise, code-named "Forex," and spread word of its existence. The mob responded with demands for payment; LoCicero and Rizzitello themselves told the Forex operatives they would either pay or never do business again anywhere in the country. This resulted in the separate extortion conviction of these two defendants.

Frank Bompensiero, a long-time Los Angeles family member and a valuable FBI informant for 11 years, brought the family into contact with Forex and was murdered when the mob learned it was run by the FBI.

The chief witness at trial was James Fratianno, former underboss of the Los Angeles family and now a protected government witness who has been instrumental in the Liberatore and Tieri cases discussed in this report, the Tam and Califano prosecutions discussed in the October 11th report, and other federal and state prosecutions. Fratianno was convicted earlier and served time for his part in planning the Bompensiero killing. The criminal enterprise alleged in the racketeering counts was the Los Angeles organized crime family, which Fratianno explained was linked to similar groups across the country and supervised by a national commission. Fratianno's testimony included a description of the structure, rituals and rules of the Los Angeles mob and the responsibilities of its members.

The Brooklier trial was conducted by District Judge Terry J. Hatter, who has set sentencing for January 12, 1981. The defendants face maximum sentences of 20 years on each charge.

While it is yet premature to assess the precise impact of this case, there is reason to believe the Los Angeles family may be crippled for years to come.

The FBI in this case was assisted by the Los Angeles and San Diego Police Departments. The prosecution was conducted by James D. Henderson, attorney-in-charge of the Los Angeles Strike Force, and special attorney Bruce J. Kelton.

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The Tieri Case

On November 21 Frank Tieri was convicted in New York of racketeering, racketeering conspiracy and conspiracy to commit bankruptcy fraud. The jury found him not guilty of income tax evasion. Tieri was charged with conducting a pattern of racketeering activity as the boss of one of New York's organized crime families, the Genovese family.

The successful prosecution of Tieri was based upon four protected government witnesses, who provided testimony that Tieri controlled a subunit, called a "family," of a national organized crime syndicate engaged in theft, extortion, loansharking, drug trafficking, prostitution, pornography, fraud and murder. Disputes between families are settled by a national "commission" composed of the bosses of the five New York families and the Chicago family. Each family is governed by a boss operating through a hierarchical structure of family members who have been inducted in a formal ceremony. The members pay a certain percentage of the proceeds from their illegal activities to the family.

The Government's witnesses testified in detail about Tieri's role in particular crimes of loansharking, extortion, theft, bankruptcy fraud and conspiracy, to commit murder which constituted the pattern of racketeering activity charged in the racketeering count of the indictment. Two witnesses were victims of extortionate credit transactions supervised by Tieri. One witness, who owed a loan shark \$8,500 at 1-1/2% interest per week and had already been beaten for disputing the obligation, described a meeting of organized crime figures at which Tieri acted as a judge and ruled to whom the victim "belonged" and had to pay. Another witness, Joseph Cantalupo, borrowed \$10,000 at 1% interest per week from Tieri to keep the Brooklyn flea market started by the two of them from failing. Cantalupo was slow in repaying his share of the loan, and in several conversations in February and March of 1977 one of Tieri's subordinates, making it clear he was acting for Tieri, threatened Cantalupo, his wife and his children. However, by this time Cantalupo, deeply in debt to other sources as well, was cooperating with the FBI, and these conversations were consensually recorded and played to the jury. Cantalupo also described how in 1974 Tieri intimidated Cantalupo's uncle, a Brooklyn restaurant owner, to keep him from competing with another nearby establishment.

Another government witness testified that Tieri received \$25,000 from his secret ownership share of the trucking company used by Korvette's, Inc., to move merchandise from its New Jersey warehouse to the company's retail stores. The money was generated by padding the number of miles driven by the trucks, charging Korvette's for nonexistent drivers, and submitting phony repair bills.

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Additional testimony was provided by James Fratianno, who said that he was present at a meeting in New York in 1976 at which Tieri voted to "hit" (murder) an individual in Los Angeles. Fratianno also described Tieri's involvement in a scheme to protect associates' investments in the Westchester Premier Theater, then in bankruptcy proceedings, by defrauding other investors and creditors. Fratianno's testimony concerning the Theater was corroborated by recordings of court-authorized electronic surveillance and formed the basis of Tieri's conviction on the separate charge of conspiracy to commit bankruptcy fraud.

Sentencing of Tieri has been scheduled for January 6, 1981. The maximum sentence for the racketeering conviction is 20 years' imprisonment and a \$25,000 fine. Tieri is presently 76 and in poor health.

The Tieri case is the first successful federal prosecution in which a defendant has been charged in the indictment as the boss of an organized crime family. The investigation of the case was conducted by the Federal Bureau of Investigation and the Internal Revenue Service, with assistance from the New York City Police Department and the Brooklyn Strike Force. The prosecution was conducted by Nathaniel Ackerman and Barbara Jones, assisted by Joan Alexander, of the Organized Crime Strike Force Unit of the United States Attorney's Office for the Southern District of New York.

The Civella Case

On July 18, 1980, Nicholas Civella, his cousin Peter Tamburello, and John Tortora were convicted of conspiracy and use of interstate facilities in aid of racketeering (bribery in a scheme to offer the warden of the Federal Correctional Institute at Fort Worth, Texas, currency or a diamond worth \$5,000 to approve and facilitate the transfer of Anthony Civella, Nicholas' nephew, to Fort Worth. Hearings held by the Senate's Permanent Subcommittee on Investigations in April, 1980, and pleadings, affidavits and transcripts of intercepted telephone conversations filed by the Government with the court indicate that Nicholas Civella is the head of the Kansas City organized crime family. Tamburello was described to the court as Civella's bodyguard and driver. Tortora, of Westchester County, New York, who has prior convictions for loansharking and bank fraud, was an inmate at Fort Worth at the time of the offense.

In the course of an unrelated Kansas City organized crime investigation in 1978, court-authorized wiretaps were placed by the FBI on the home telephone of Peter Tamburello and the telephones at an office used at the time almost daily by Civella for meetings and as a place to receive phone calls from associates. The wiretaps intercepted

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a discussion between Civella and Tortora about obtaining a transfer for Anthony Civella, then an inmate at the medium security federal prison at Texarkana, to the more desirable minimum security facility at Fort Worth. Tortora offered to bribe the warden at Fort Worth to approve the transfer, and Civella agreed to provide \$5,000 or a diamond ring. The warden did approve the transfer, but he testified that no compensation was involved. Anthony Civella's transfer was subsequently denied by the Bureau of Prisons.

Nicholas Civella and John Tortora have been sentenced to four years' imprisonment, Peter Tamburello to two years.

The Civella prosecution was conducted by David B.B. Helfrey and Sheryl L. Jeans of the Kansas City Strike Force.

The Persico Case

Following a pre-sentence hearing on June 27, Alphonse Persico, who was identified at the hearing as acting boss of the Colombo organized crime family, became a fugitive and remains at large. Persico and his bodyguard and chauffeur, Michael Bolino, had been convicted in Brooklyn on May 1 of three counts of loansharking and conspiracy.

Persico has been acting family boss for several years while his brother has been in prison and on parole. One of his organized crime associates was Joseph Cantalupo, who, along with a partner, conducted a loansharking operation in Brooklyn. Cantalupo was cheated by his partner and left heavily in debt to those who provided his loansharking capital, including Persico, from whom he had borrowed \$10,000 in 1976 at an interest rate of 24 per week. Faced with demands for payment from Persico and others, Cantalupo agreed to become an FBI informant and eventually a protected government witness. Over a period of fifteen months he recorded ten conversations with Bolino and one with Persico. Bolino threatened him several times and in April, 1977, Persico beat him in connection with the loan. Cantalupo also testified in the Tieri case.

Persico and Bolino first went to trial in February, 1980, but a mistrial was declared when, during jury deliberations, a juror declared he had read one of the many newspaper accounts of the case and was unable to render a fair verdict. The second trial began in April, and after four days of testimony the defendants were convicted on all counts.

The pre-sentence hearing for Persico on Friday, June 27, featured the testimony of Cantalupo, who provided a damaging description of Persico's control of the family. Persico was released for the weekend to settle his affairs prior to sentencing on Monday and disappeared. Bolino was sentenced to five years' imprisonment in August.

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The Persico prosecution was conducted by Edward A. McDonald, assistant attorney-in-charge of the Brooklyn Strike Force.

The Bonanno Case

On September 2 Joseph C. Bonanno, Sr. was found guilty in San Jose, California, of obstructing justice. The verdict was the first felony conviction in a lengthy career that is alleged to have made Bonanno, now age 76, one of the top organized crime bosses in the country. Bonanno was charged with attempting to conceal documents and influence at least four witnesses subpoenaed by a federal grand jury investigating his sons, Salvatore (Bill) and Joe, Jr., for the possible use of various businesses under their control to launder money. Bonanno's nephew, Jack DiFilippi, was convicted with him of obstructing justice and also of three counts of perjury.

The critical evidence at trial was the testimony of Lou Peters, a northern California Cadillac dealer who had cooperated with the Federal Bureau of Investigation since the summer of 1977. Working in this capacity, Peters became close to the Bonannos. In order to protect his family and enhance his credibility with the Bonannos, Peters even obtained a legal separation from his wife, whom he recently remarried. Ultimately, Peters was able to tape record Bonanno, Sr. suggesting that Peters remove documents from his files that might be damaging to Bill Bonanno and that he not tell the grand jury he had been told to do so. This was the only tape in English obtained by the Government in which Bonanno himself attempted to influence witnesses.

Other evidence at trial included handwritten, Sicilian notes made by Bonanno prior to or during telephone conversations concerning the investigations of his sons. The notes were obtained by the Arizona State Narcotics Strike Force, which maintained a trash cover of Bonanno's Tucson home for two years. The FBI was able to match the notes with particular phone conversations recorded during court-authorized wiretapping of Bonanno's telephone. Particularly damaging recordings were made of Bonanno and DiFilippi discussing what had to be done about the grand jury investigation.

The trial began in San Jose on April 11, 1980. Many delays were encountered due to Bonanno's complaints of a heart condition. The trial judge eventually had a closed circuit television system installed in the courtroom so that Bonanno could watch the proceedings on monitors in a private room in the courthouse.

DiFilippi was sentenced in October to two years' imprisonment followed by five years' probation. Sentencing for Bonanno is scheduled for December 16, and he faces a maximum of five years' imprisonment and a \$10,000 fine.

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The Bonanno case was tried by Michael L. Sterrett, attorney-in-charge of the San Francisco Strike Force, and staff attorney Craig A. Starr. Mr. Starr, assisted by Bafes Butler, Assistant United States Attorney in Tucson, Arizona, conducted the pre-trial phases of the prosecution.

The Liberatore Case

On July 8 Anthony Liberatore and convicted murderer Thomas Lanci were found guilty of conspiracy and the bribery of a Cleveland FBI clerk to obtain secret documents. Liberatore was a fugitive on the FBI's Top Ten Most Wanted list for 13 months prior to trial, and his induction into the Cleveland mob was described at a recent trial on state charges. A third defendant, Kenneth Ciarcia, presently serving a life sentence for the murder of Cleveland mobster Danny Greene, pled guilty in a surprise change of plea on the day before trial. Liberatore and Lanci were acquitted of a third charge, and the jury acquitted two other defendants on all counts. The judge discharged two additional defendants, also serving life sentences for the murder of Greene, when a protected government witness and former mob hit man unexpectedly refused to testify against them.

The three convictions were the culmination of over seven weeks of trial and three years of investigation by the FBI, the Bureau of Alcohol, Tobacco and Firearms and state and local law enforcement agencies. The investigation stemmed from the death of Danny Greene, a mob rival to Liberatore's faction, who was murdered in 1977 by a remote control bomb in a car parked next to his. During the course of this intensive investigation, it became apparent that the Cleveland underworld had developed a source in the Cleveland FBI office. It was proved at trial that Liberatore, Lanci and Ciarcia had used \$15,000 to bribe an FBI clerk through her husband, who had worked with Ciarcia. After seven years as a loyal employee of the Department of Justice, during a six-month betrayal during the latter half of 1977 the clerk purloined over 100 pages of sensitive FBI documents. The underworld thus gained access to three active investigative reports on one of the defendants, a list by make, license and vehicle identification number of all Cleveland FBI cars and, most important, a complete list of all active informants of the Cleveland FBI office describing them by name and informant symbol number.

The former FBI clerk and her husband pled guilty and were sentenced to five years' imprisonment prior to the trial in this case.

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Former Los Angeles organized crime figure and protected government witness James Fratianno testified at the trial that he had been shown secret FBI documents by one of the defendants. The Government also presented evidence of fingerprints of the three convicted defendants found on FBI documents, and testimony of the former FBI clerk and her husband, both protected government witnesses.

The defendants were sentenced on July 17 by District Judge William K. Thomas, who prefaced the pronouncement of sentence with a series of remarks concerning the injury to the community caused by "repeated corrupt penetrations of the confidential files of the FBI." He sentenced Liberatore to twelve years' imprisonment, Lanci to eight years, and Ciarcia to nine years. Judge Thomas concluded his sentencing by stating that "anyone who corruptly breaches the public trust of a law enforcement employee to gain access to sensitive information must be properly punished if domestic tranquility is to prevail."

The Liberatore prosecution was conducted by John F. Sopko of the Cleveland Strike Force and Abraham Poretz of the Organized Crime and Racketeering Section in Washington.

The Quasarano and Vitale Case

On October 17 Raffaele Quasarano and Peter Vitale, who were named in the Senate hearings in the 1960's as capos in the Detroit organized crime family, entered pleas of guilty to charges of racketeering and conspiracy to commit tax fraud. The convictions stem from the defendants' unlawful takeover and hidden control of the Rogersville Cheese Factory in Rosendale, Wisconsin. Rogersville, with annual gross revenues of \$6 million, is one of the major national cheese corporations which manufacture and distribute Italian cheese products throughout the United States and Canada.

In 1978 the Federal Bureau of Investigation, the Internal Revenue Service and the Detroit Strike Force began an 18-month joint investigation into the infiltration of a variety of legitimate businesses by the Detroit organized crime syndicate. This investigation produced the conviction, discussed in the October 17 organized crime report, of Edgar Beck, formerly president of the State Bank of Fraser, and guilty pleas in October by two individuals charged with tax violations in connection with the hidden ownership and sale of Detroit's Tri-County Sanitation Services, Inc., to SCA Services, Inc., one of the three largest sanitation companies in the country. The joint investigation also focussed on the cheese industry.

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During a 7-week trial that preceded the entry of the guilty pleas, Nicholas Micelli, an immunized witness and the son-in-law of Peter Vitale, testified concerning the takeover of Rogersville. He described in detail a classic case of mob infiltration of legitimate business. In 1972 Rogersville encountered financial difficulty due to an inability to collect bills from certain east coast customers. This provided the opening for Quasarano and Vitale; They sent word to the owners of Rogersville that they would assist in collecting bills. Their offer was accepted and they secured payment. However, they then squeezed Rogersville by arranging to have the customers buy greater quantities of cheese and delay payment, thereby exacerbating Rogersville's serious cash flow problems. When the owners came back for more help, they were told the price of assistance would be 50% of Rogersville's stock. The stock was placed in Micelli's name because of the reputations of Quasarano and Vitale.

From 1972 until 1979, through a shell company set up in Detroit, Quasarano and Vitale received monthly payments totalling \$270,000 from Rogersville, ostensibly as brokerage fees of 1¢/lb. for arranging cheese sales. However, the customers to whom they purportedly made sales testified they had never heard of Quasarano and Vitale.

The extent of control by Quasarano and Vitale of Rogersville eventually exceeded 50%. In 1974 they accused one of the other owners of cheating them by selling to another of his companies for profitable resale and not passing on the profits. Micelli testified that as a penalty for this Quasarano and Vitale told the owner he was lucky his legs weren't broken and took all his stock, though official records are unclear on who owned the stock.

Sentencing of Quasarano and Vitale will take place within the next month. The plea agreement places a four-year limitation on sentence.

The prosecution of Quasarano and Vitale was conducted by Stanley Marcus, Attorney-in-Charge of the Detroit Strike Force, and Special Attorney Keith L. Corbett.

The Ponticelli case

On August 27 Los Angeles organized crime family members Alfred Ponticelli and Raymond DeRosa were convicted of racketeering, distribution of cocaine and oxycodone, and conspiracy to distribute heroin. Organized crime associates and narcotics suppliers Danny DeSantis and Phillip Bertman were also convicted, DeSantis of distribution of cocaine and Bertman of conspiracy to distribute heroin. Robert D'Agostino entered a guilty plea earlier to distribution of cocaine.

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Ponticelli and DeRosa were charged in the racketeering count with associating to deal in narcotics and to collect protection payments for sanctioning narcotics trafficking in the Los Angeles area. The racketeers attempted to collect payments from an informant and an undercover agent of the Drug Enforcement Administration posing as large-scale narcotics dealers. During the two-week trial the Government established that Ponticelli, and DeRosa were members of the Los Angeles organized crime family and reported to family underboss Sam Sciortino (recently convicted in the Brooklier case) and that a percentage of each protection payment or narcotics transaction had to be set aside for the "front office."

At the sentencing on September 15, District Judge William M. Byrne commented that Ponticelli and DeRosa had no regard for the law and would continue the same criminal conduct if released. He then sentenced Ponticelli to eight years' imprisonment and an eight-year special parole term and DeRosa to ten years' imprisonment and a ten-year special parole term. D'Agostino was sentenced to four years' imprisonment followed by an eight-year special parole term, DeSantis to two years' imprisonment followed by a five-year special parole term, and Bertman to two years' imprisonment.

The indictment in this case was the culmination of a two-year undercover investigation by the DEA-FBI Task Force in Los Angeles. The prosecution was conducted by Charles C. Wehner and Rodney M. Perlman of the Los Angeles Strike Force.

The Iuteri Case

On July 8 Mark Iuteri of New Haven, Connecticut, was sentenced in Hawaii to the maximum term of 15 years' imprisonment for his role in the advance fee swindle of former Lieutenant Governor James Kealoha. Iuteri was convicted on May 15 of conspiracy to defraud and two counts of transportation of stolen goods.

In 1977 Iuteri and a co-defendant, Andrew D'Amato, traveled to Hawaii and represented themselves to Kealoha as agents of a trust capable of financing Kealoha's \$10 million condominium project in Waikiki. A plan to obtain approximately \$500,000 in advance fees from Kealoha was foiled by FBI undercover agents, who alarmed the defendants by having them questioned by Honolulu FBI agents shortly before the money was to be delivered. The defendants then decided to obtain money from Kealoha outside of Hawaii, and he testified that he paid them \$2,500 in Frankfurt, Germany, and \$12,500 in New Haven for Iuteri's services as an appraiser.

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During a two-day hearing preceding the sentencing, the Government introduced evidence that Iuteri is an organized crime associate. A co-conspirator identified Iuteri as "a button man for the outfit" and said he was brought into the Hawaii swindle because co-defendant D'Amato owed money to the syndicate and Iuteri was to make sure D'Amato used the proceeds from the swindle to repay the loans. Three witnesses told of being beaten by Iuteri, one with a blackjack that resulted in shattered facial bones. The beating was reported and Iuteri arrested, but the victim dropped charges when his infant niece and three-year old nephew were threatened by a major organized crime figure in Connecticut. One beating was provoked by the victim's refusal to buy products from Iuteri's chemical company, and another involved a fight over chemical customers whom Iuteri routinely bribed with cash and women. Another witness, afraid to testify in person, presented an affidavit saying that Iuteri raped her and forced her to have sex with over 100 customers of his firm. Evidence was also introduced that Iuteri murdered a minor organized crime figure in Connecticut, attempted to obstruct the grand jury investigation of the murder, and is active in dealing cocaine in the New Haven area.

At the sentencing Judge Samuel P. King commented that "if ever a case required a maximum sentence, this is the case."

The Iuteri prosecution was conducted by Special Attorney Daniel A. Bent of the Honolulu Field Office of the San Francisco Strike Force and Assistant U.S. Attorney Stephen D. Tom of Honolulu.

Has the 1976 Tax Reform Act had any effect on your organized crime investigations?

The Tax Reform Act has had a substantial impact upon the ability of the Internal Revenue Service (IRS) to provide information to other federal investigative agencies. This, in turn, has prevented IRS from fully participating in joint Strike Force investigations with other investigative agencies.

To an extent, this was a temporary handicap which was ameliorated somewhat once IRS worked out administrative procedures to comply with the Act. Very real problems remain, however, and legislation has been proposed which attempts to deal with those problems.

Have you been able to get other agencies help in organized crime strike forces?

The cooperation of the investigative agencies within the last two years has been outstanding. The FBI, IRS, DEA, Postal Inspection Service, Secret Service, Customs Service, Department of Labor, and Bureau of Alcohol, Tobacco and Firearms continue to provide the bulk of investigative support to the Strike Forces. And, of the manpower supplied by those agencies, the FBI supplied about 75 percent of the agent-years expended in FY 1981 to date. But every agency, no matter how small, does make a significant contribution. In addition, most Strike Forces enlist investigative aid from state and local police forces.

Department Priorities

Mr. Attorney General, during the last several years, the Department of Justice placed strong emphasis on organized and white-collar crime, public corruption and narcotics trafficking. Do you intend to maintain the emphasis on these areas?

As was stated in the Attorney General's testimony before the House Judiciary Committee on March 11, 1981, "Federal enforcement priority will be given to such areas as organized crime, white-collar crime and narcotics trafficking". We will, of course, be looking at methods and procedures by which the Federal Government can carry on a more effective battle against violent crime. We are looking forward to the report of the Attorney General's Task Force on Violent Crime as more fully described in my answer to the question that immediately follows.

Your statement at your confirmation hearings would seem to indicate that a reduction in the priority of white-collar crime investigations and possibly a renewed emphasis on personal crimes such as bank robbery. However, the budget justifications for the FBI do not reflect this change. Have you discussed your priorities with the head of the FBI, Mr. Webster, and if you have, would you anticipate any change in the FBI's resource allocation?

The 1982 budget justification for the FBI reflects policy decisions made by the previous Administration. While Judge Webster and I continue to place a high priority on white-collar crime investigations, I also, as you know, created a special Task Force to assist me in formulating strategies in the critical area of violent crime. I have

asked the task force to recommend in the next 60 days what can be done within existing statutory law and with existing resources. That initial report is due during mid-June. Currently, we provide considerable assistance to state and local law enforcement agencies through training, fingerprint identification, and laboratory support. I will review the task force's recommendations and will consider at that time whether any additional federal involvement or resources are required to combat violent crime. In the meantime, Acting Associate Attorney General Guiliani has spoken with Francis M. Mullens, Jr., Executive Assistant Director for Investigation, to advise the FBI that the Department of Justice does not want to lessen the priority given to white-collar crime matters as a result of new emphasis on violent crime.

Centralized Litigation Function

Several years ago, there was some discussion about increasing the Department's role in an effort to keep litigation efforts from being so dispersed throughout the Executive Branch. What is your view on how litigation should be dealt with?

I believe that the only effective way to coordinate and manage Federal Government litigation is to make the Attorney General responsible for it. I am committed to preserving the authority of the Department of Justice to conduct most, if not all, litigation involving the Federal Government. This has been the articulated position of the Department in the past and will be in the future.

The reasons for this position are several. First, vesting of principal litigation authority in the Department ensures that there is centralized review and oversight of positions taken by the Federal Government in litigation, and hence, minimizes the possibility of diverse federal agencies advancing potentially inconsistent positions. This centralization of review and oversight is important because of the following:

- Statutory fragmentation of the Attorney General's litigating authority leads to duplication of efforts, inefficiency and dilution of the Attorney General's responsibility to see that the United States and its components speak in court with a single voice;
- Centralizing the government's statutory litigating authority in the Department of Justice guarantees that the courts, and the citizens of this country, have the benefit of uniform and consistent positions in the public's litigation; and
- Centralized statutory litigation authority substantially reduces needless confusion and conflict at the appellate level where, generally speaking, the Justice Department tends to exercise greater control, even in cases where another agency may have had the lead in the lower court.

Second, centralization of the litigation function ensures that quality cases and positions will be advanced. In view of the Equal Access to Justice Act requirements, which are scheduled to go into effect in October 1981, it is more important than ever that litiga-

tion involving federal agencies be subject to dispassionate, high-quality review so that only substantially justified positions are advanced.

Third, it is my judgment that the Department of Justice has some of the finest lawyers in the country and that, in view of this fact, there is no sound reason why litigating authority should be granted indiscriminately to other agencies.

Immigration Policies

The Select Commission on Immigration and Refugee Policy, in its report to the Congress submitted earlier this month, recommends that the Border Patrol funding levels be raised to provide for a substantial increase in the numbers and training of personnel, replacement of sensor systems, additional light planes, and helicopters and other needed equipment. We realize that your budget estimate does not anticipate any of the Commission's recommendations. Indeed, the budget estimate for the Immigration Service reflects a reduction in resources for FY 1982. What would be needed, in your opinion, to carry out the recommendation of the Select Commission as well as other Commission recommendations in the enforcement area?

The recommendations of the Select Commission on Immigration and Refugee Policy are being thoroughly reviewed, and policy recommendations will be made in the very near future to the President. This effort is the focus of a special Interagency Task Force established by the President. I chair that Task Force. After the President has reviewed our recommendations, he will present his proposals to the Congress. These proposals will be accompanied by the resource requirements for the Immigration and Naturalization Service.

The President recently stated that he may consider an open door policy with Mexico. What is your opinion about such a policy and its impact on the resources of the Immigration Service?

An open border policy is only one option which may deserve exploration. However, any plan to relax the movement of people between Mexico and the United States must address the problems which law enforcement agencies face with respect to the interdiction of illicit drugs, as well as other contraband. Even if the new policy is not intended to reduce the resources of the U.S. Customs Service, the U.S. Border Patrol and the Drug Enforcement Administration in these areas, increased numbers of travelers will place additional pressure on the inspection process and may result in less effective screening. Contraband such as heroin and cocaine which is concealed in luggage or body-carried and contraband such as methaqualone and marijuana which is concealed in vehicles are less apt to be detected.

What affect would such a policy have on the flow of drugs across the border into the United States and the efforts of the Drug Enforcement Administration to interdict such shipments?

As this becomes apparent, this will encourage greater use of Mexico as a transshipment country for these drugs. This is especially true if the Federal Government is successful in increasing the effectiveness of operations against trafficking in the Caribbean. Traffickers will continuously attempt to seek out the weakest link in our defense

against their smuggling efforts. Even now, there is evidence of growing use of Mexico as a transshipment country for heroin and cocaine. We must be prepared to deal with this eventuality.

Elimination of Bankruptcy Trustee Program

The budget proposes the elimination of the U.S. Trustees Program. However, this program is authorized by law as a pilot program through FY 1984. Why are you proposing the elimination of this pilot program before the Department has had a chance to complete the experimental period?

In setting the new Administration's priorities among programs funded by the Justice Department, the U.S. Trustee pilot program did not rank sufficiently high to justify allocating additional Department funds beyond those required for terminating the experiment. The proposal reflects in no way on the merits of the U.S. Trustee program, but rather on the difficulty in making choices among competing Department programs. The Department of Justice believes that court-related improvements would more properly be handled by the Judicial Branch.

Juvenile Justice Program

On page 11 of your statement you indicate that the objective of the Juvenile Justice Program should be met through grant programs administered by the Department of Health and Human Services and through efforts of the state and local levels. Is there any amount specified in such block grant programs for Juvenile Justice?

There is no amount specified for Juvenile Justice programs in the Health and Human Services (HHS) block grant program. However, juvenile justice programs are one of the program categories for which the HHS block grant program funds can be used. The block grant approach enables state and local officials to determine what portion of the funds will be available for the various social service programs that their community may wish to offer. This proposal will still make funds available for juvenile justice programs but the allocation will be up the individual state or local government.

If, as you indicate in your statement, the Juvenile Justice Program is a worth-while effort, why should the entire burden of funding such programs be shifted to the states?

The entire burden for these activities is not shifted to the states. Federal funding for juvenile justice activities still remains available under the HHS block grant approach, and many currently funded juvenile justice programs will continue to use federal funds for several years.

General Provisions of H.R. 7584

Mr. Attorney General, last year the House added a number of provisions to the State-Justice bill that the Appropriations Committee

opposed on behalf of the Department. These included amendments on school busing, the legislative veto of regulations, and a requirement that the Attorney General and the Secretary of State may not take actions that are not in accord with the Refugee Act of 1980. Can you tell us about the current Administration's position on these matters?

Before dealing with the individual amendments, I would like to say that the Administration believes that the Appropriations Committee should continue to oppose amendments to appropriation bills that are not essential to the appropriations process. By adding them to appropriation bills, they hold up the legislative process and the items do not receive proper consideration by Congressional committees.

Section 605 was added by the House to limit expenditures for consulting services through procurement contracts unless they are a matter of public record and available for inspection. This provision is not a problem for the Department because the section contains adequate safeguards to protect national security and individual rights. Much of the intent of this provision is already met by the Freedom of Information and Privacy Act.

Section 606 of the House bill was designed to restrict obligations during the last two months of the fiscal year. The Senate had a related provision, but both provisions were deleted by the conferees. The Department recognizes that year-end buying can result in abuses but believes that a legislative restriction would be cumbersome and otherwise inappropriate.

Section 607 was designed to prevent the Department from using any funds to bring legal actions to require school busing to a school other than the school nearest the student's home, except for students requiring special education. The Department is currently formulating a policy position on this issue. This is the issue over which President Carter vetoed the 1981 Appropriations Act for the Department (Section 606 of H.R. 7584 as enacted by the Congress).

Section 608 pertained to the legislative veto. If the Supreme Court agrees to hear the appeal in the Chadha case the Department will argue before the Court that the legislative veto device contested in Chadha case was and is unconstitutional.

Section 609 prohibited the Secretary of State or the Attorney General from spending funds for any action not in compliance with the Refugee Act of 1980. We do not believe it would serve any useful purpose to reenact the provision for 1982. Essentially, the amendment was directed at providing federal financial assistance to communities that provided services to Cuban and certain other entrants, but because these entrants were not classified as refugees, the Refugee Act of 1980 is inapplicable.

Legislative Veto

Has the Administration developed a policy to test the concept of legislative veto? The 1981 Appropriations Act for Commerce, Justice, State contained a legislative veto (Sec. 608). What would be your,

or the Administration's, policy toward inclusion of a similar provision in the 1982 bill?

The Administration is currently testing the constitutionality of the legislative veto in the Chadha case. Under my direction this issue has been researched by my office with an open mind and we have come generally to the same conclusion reached consistently by the last eight or ten administrations that legislative vetoes which either intrude upon or impair the responsibility of the President to "Take Care that the Laws be faithfully executed" [Art. II, Sec. 3] or which alter the order of presentment in the enactment of laws ordained by the Constitution [Art. I, Sec. 7] are unconstitutional. We would have to look at a specific measure in the specific factual context, however, to render a definitive opinion on any specific proposal.

We are reluctant to comment in great detail with respect to pending litigation because we feel that it is appropriate to conduct litigation in the courts and not elsewhere. I can report that the Ninth Circuit Court of Appeals has recently granted permission to the Senate and House to intervene in that case and denied the suggestion of the House and Senate for a rehearing and rehearing en banc. The Department of Justice will soon take the Chadha case to the Supreme Court if the court agrees to hear the appeal in the case. Before the Supreme Court the Department would argue that the unanimous opinion of the Ninth Circuit was correct and that the legislative veto device considered in that litigation was and is unconstitutional.

District of Columbia Superior Court Transfer

Both the Carter and Reagan Administration budgets had proposals for later transmittal that would reduce the estimates for the U.S. Attorneys and Marshals by 314 positions and \$13,001,000. The proposal, as I understand it, would transfer prosecutorial authority for the District of Columbia code offenses, court security and other services provided to the D.C. Superior Court. Because the legislative process is so uncertain, wouldn't you require additional funding if the Congress failed to act on the substantive legislation transferring authority to the district before we went ahead and took away the funding?

Yes, we would need \$13,001,000 restored in FY 1982.

Busing Provision

President Carter vetoed H.R. 7584, the FY 1981 Appropriation Act for Commerce, Justice, and State, because he felt that the provision on busing was unconstitutional. Do you hold similar views on this and would you recommend a veto in similar circumstances?

What is this Administration's policy on using busing to enforce integration?

I do not believe the rider proposed last year would have necessarily hampered the Department's performance of its constitutional responsibilities. The means chosen for eliminating unlawful school segrega-

tion can be many and diverse. The appropriations bill contained nothing to prevent the Federal Government from cutting off funds to state recipients engaged in discrimination. This is the remedy provided by Title VI. Nor was there any prohibition upon the Federal Government attacking discrimination through means other than busing. Such alternative means are greatly preferred, as evidenced by this Department's recent actions in the St. Louis and Shreveport desegregation cases.

It is clearly unconstitutional for the United States to give financial assistance to support segregation in schools. Title VI of the Civil Rights Act prohibits a state school receiving federal funds from discriminating in any way. The Department of Justice will enforce Title VI and all aspects of the Civil Rights Act. Whether that enforcement will lead to a cut-off of federal funds, or a suit to enjoin the discriminatory practices, is a strategic choice to be made in each situation.

There are many alternatives to forced busing that can eliminate segregation in the schools. The location of new schools in border areas, the creation of uniquely excellent schools which will attract students voluntarily, and the breakdown of unlawful housing segregation will all assist in ending school segregation.

TUESDAY, MARCH 24, 1981.

GENERAL ADMINISTRATION

WITNESSES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. Mr. Rooney, we are glad to have you back with us this afternoon. We have some general questions for you concerning the Department's operations. Does all of the Department of Justice require an authorization for fiscal year 1982?

Mr. ROONEY. Yes, that is correct, Mr. Chairman, we do.

STATUS OF 1982 AUTHORIZATION BILL

Mr. HIGHTOWER. What is the status of that authorization?

Mr. ROONEY. The fiscal year 1982 Authorization Bill has been presented to the House and Senate Judiciary Committees, and we have begun to hold hearings before both Houses.

Mr. HIGHTOWER. Are there any changes in that authorization bill other than funding levels of which the committee should be aware?

Mr. ROONEY. Yes, Mr. Chairman. The bill does include some changes. The most pertinent changes are as follows: Under Section 2 of our proposed bill the Deputy Attorney General will be included in the process of certifying the use of funds for certain miscellaneous and emergency situations that may arise during the fiscal year prior to this bill just explained by the Attorney General.

Also in Section 3 the reference to the disposition of funds from the alien property funds, World War II has been deleted. Disposition of all claims against this fund has been resolved and resources are not required for fiscal year 1982.

Under Section 3 of our bill for fiscal year 1981, the Foreign Service Act of 1946 was the basic statutory source for providing medical treatment and health care facilities for Department of Justice employees serving overseas. The Foreign Service Act of 1946 was replaced by the Foreign Service Act of 1980 on October 17, 1980. The new language conforms our authorization bill for fiscal year 1982 with the basic benefits received by the FBI, INS, and Drug Enforcement Administration prior to enactment of the new version of the Foreign Service Act.

Under Section 8 of our bill, the fiscal year 1980 Authorization Act unintentionally deleted the phrase "and the award of compensation to informers in respect to such forfeitures" in the Controlled Substances Act, thereby preventing the Drug Enforcement Administration from paying moiety rewards under the code. The proposed language would restore to DEA the authority to pay such rewards.

And two other relevant sections. Under Section 9, this section would refine the process by which a moiety reward is paid to an informer. The section would set aside 25 percent of the net amount realized from the forfeiture of seized assets and credit those amounts to the Drug Enforcement Administration account to be used only to pay moiety rewards.

The set-aside includes a 2-year sunset provision and rigid audit requirements. In addition, annual notification of Congress detailing the utilization of these funds and the results of the audits are included.

Under Section 12, this section would provide legislation which will conform present law with the President's decision to eliminate the U.S. Trustees Program, as we discussed this morning, by the end of fiscal year 1982. The section provides the necessary amendments repealing the pertinent provisions of the Bankruptcy Act of 1978 to conform with the President's decision.

Finally, as we mentioned this morning, we are proposing once again that the Antitrust Division be merged with the General Legal Activities appropriation.

Those are the relevant portions, Mr. Chairman.

STATUS OF 1981 AUTHORIZATION BILL

Mr. HIGHTOWER. What is the status of the 1981 Authorization Bill?

Mr. ROONEY. Our 1981 Authorization Bill was never passed and we are currently operating under a continuing resolution which extended our authorities until April 5th of this year. We have proposed that the resolution be extended to the end of the fiscal year, and at this moment it appears that the Senate Judiciary Committee will move on it this week to make that extension.

Mr. HIGHTOWER. In the event that happens, then it will not be necessary to have a 1981 Authorization Bill?

Mr. ROONEY. That is correct, Mr. Chairman.

AUTHORIZATION FOR 1981 SUPPLEMENTALS

Mr. HIGHTOWER. The department has submitted a number of pay and program supplementals for fiscal year 1981. How many of these would require an additional authorization for appropriation? If you would like to submit the list with the amounts for the record---

Mr. ROONEY. We could provide that for the record, Mr. Chairman.

[The information follows:]

1981 Authorization Requirements
(In thousands of dollars)

	1980 Authorization Act Levels				
	1980 Authorization	1981 Supplementals Including Pay and Other Non-Discretionary Costs		Current Authoriza- tion Level for 1981	1981 Appropriation as Enacted
		Pay	Other		
General Administration.....	\$33,169 ^a	\$1,410	...	\$34,579	\$40,833
U.S. Parole Commission.....	5,555	291	...	5,846	5,800
General Legal Activities.....	111,748	6,416	...	118,164	113,650
Solicitor General.....	2,543	123	...	2,666	2,787
Tax.....	19,581	1,207	...	20,788	20,824
Criminal.....	30,315	1,460	...	31,775	31,104
Civil.....	25,207	1,603	...	26,815	25,812
Land.....	16,439	944	...	17,383	15,526
Legal Counsel.....	1,587	95	...	1,682	1,652
Civil Rights.....	16,076	979	...	17,055	15,965
Foreign Claims Settlement Commission.....	...	22	\$828 ^b	850	...
Antitrust.....	48,592	1,569	...	50,161	44,862
U.S. Attorneys & Marshals.....	242,573	11,242	1,914	255,729	268,537
U.S. Attorneys.....	151,579	6,124	...	157,703	170,694
Bankruptcy.....	3,347	...	...	3,347	7,908
U.S. Marshals.....	87,647	5,118	1,914	94,679	89,935
Support of U.S. Prisoners.....	25,100	...	...	25,100	22,600
Fees & Expenses of Witnesses.....	27,052	...	...	27,052	27,000
Community Relations Service.....	5,428	282	...	5,710	5,273
Federal Bureau of Investigation.....	584,408	38,876	13,212	636,496	629,720
Immigration and Naturalization Service.....	319,762 ^c	11,699	...	331,461	351,000
Drug Enforcement Administration.....	198,336	8,524	875	207,735	206,800
Federal Prison System.....	352,390	11,939	...	364,329	354,314
Salaries & Expenses.....	333,946	11,939	...	345,885	334,400
National Institute of Corrections.....	9,884	...	...	9,884	9,894
Buildings & Facilities.....	8,560 ^d	...	...	8,560	10,020
Office of Justice Assistance, Research, and Statistics.....	1,025,000	807	...	1,025,807	146,845
Law Enforcement Assistance.....	975,000	...	...	975,000	127,845
Research & Statistics.....	50,000	807	...	50,807	19,000
TOTAL, DEPARTMENT OF JUSTICE.....	2,979,112	93,077	16,829	3,089,018	2,217,234

^aIncludes \$5,000,000 for State and local drug grant program.

^bThe Foreign Claims Settlement Commission was not included in the Department of Justice Authorization Act, 1980.

^cIncludes \$376,000 for Special Investigator.

^dIncludes \$2,600,000 for L.A. Metropolitan Correctional Center.

HISTORY OF 1982 APPROPRIATION REQUESTS

Mr. HIGHTOWER. Would you provide for the record also a list of individual appropriation items and include for each of them the request that was submitted to the Department, the request that was submitted to OMB, the original budget request that was submitted to the Congress, and the revision to that request that was submitted by the Reagan Administration, and also I would like for you to provide the positions requested in each category, with dollars.

Mr. ROONEY. We will do that for the record, Mr. Chairman.
[The information follows:]

DEPARTMENT OF JUSTICE
Appropriation History - 1962
 (Dollars in thousands)

Appropriation	1961 Approp. ^a		Bureau or Other Organization Request to		Department Request to OMB		Request to Congress (Carter)		Revised Request to Congress (Reagan)	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
General Administration										
Department Leadership.....	80	\$4,905	100	\$5,056	99	\$5,597	84	\$5,554	56	\$4,187
Office of Intelligence Policy and Review.....	14	661	16	701	16	704	14	685	14	685
Office of Professional and Responsibility.....	11	458	14	529	14	532	9	450	8	426
Office of Public Affairs.....	14	680	18	890	18	901	24	693	13	593
Office of Legal Policy.....	38	1,586	47	1,838	47	1,845	36	1,783	31	1,590
Office of Legislative Affairs.....	27	1,075	28	1,105	28	1,106	25	1,085	22	1,027
Justice Management Division.....	460	18,897	539	24,026	596	26,624	590	26,163	530	25,181
Parson Attorney.....	10	365	11	405	11	401	8	302	8	302
Board of Immigration Appeals.....	41	1,576	41	1,579	41	1,594	41	1,630	41	1,656
Federal Justice Research Program.....	...	1,386	...	3,322	...	2,758	...	1,808	...	1,306
State and Local Drug Grants.....	...	3,170	...	...	...	...	...	...	...	...
Special Management Studies.....	...	...	...	...	...	...	...	...	...	...
Total, General Administration.....	595	34,758	814	39,441	870	42,362	781	40,515	723	37,953
U.S. Parole Commission.....	178	6,131	180	6,303^b	180	6,303	172	6,541	172	6,461
General Legal Activities										
Solicitor General.....	47	2,890	47	2,852	47	2,886	47	3,012	45	3,012
Tax Division.....	574	22,091	680	24,801	687	23,444	575	22,576	541	22,728
Patent Division.....	836	32,564	1,006	38,207	981	37,386	827	33,138	772	32,029
Civil Division.....	660	28,320	1,011	39,678	744	31,465	660	29,689	640	28,913
Land and Natural Resources Division.....	338	16,470	465	23,341	439	22,932	407	22,465	336	17,659
Office of Legal Counsel.....	37	1,747	37	1,695	37	1,695	37	1,793	35	1,793
Civil Rights Division.....	436	16,944	575	22,852	499	21,345	445	20,279	390	18,002
Total, General Legal Activities.....	2,508	129,966	3,841	153,416	3,376	141,153	2,998	133,952	2,759	127,136
Foreign Claims Settlement Commission.....	18	850	12	482^b	12	482	18	705	18	705
Antitrust Division.....	939	46,431	996	51,278	950	50,173	897	49,566	897	49,566
U.S. Attorneys and Marshals										
U.S. Attorneys.....	4,417	176,081	4,664	191,157	4,593	186,294	4,274	185,734	4,079	180,844
U.S. Marshals.....	207	6,621	383	16,343	381	16,426	167	7,584	...	270
Total, U.S. Attorneys and Marshals.....	2,177	103,321	3,239	144,182	2,619	135,166	2,034	100,793	1,880	97,091
Total, U.S. Attorneys and Marshals.....	6,801	285,623	8,288	355,682	7,593	317,886	6,479	294,115	5,959	278,205
Support of U.S. Prisoners.....	...	22,600	...	28,600	...	28,600	...	28,600	...	25,600
Fees and Expenses of Witnesses.....	...	27,000	...	34,444	...	33,849	...	29,421	...	29,421
Community Relations Service.....	111	5,595	145	7,268	152	6,976	108	5,695	88	5,313
Federal Bureau of Investigation.....	19,306	682,283	20,387	727,112	19,763	716,116	19,421	743,566	19,421	739,013
Immigration and Naturalization Service.....	10,866	371,568	11,389	419,387	11,080	391,544	10,281	385,039	9,531	363,376
Drug Enforcement Administration.....	4,092	216,199	4,329	248,481	4,235	233,253	4,071	236,254	3,897	228,524
Federal Prison System										
Salaries and Expenses.....	9,160	341,954	9,448	361,418	9,263	352,165	9,119	364,377	8,922	358,282
National Institute of Corrections.....	30	9,894	34	12,955	34	12,958	32	12,890	30	11,771
Buildings and Facilities.....	35	10,020	35	26,667	35	16,841	25	14,751	25	13,731
Total, Federal Prison System.....	9,225	361,868	9,517	401,040	9,332	381,964	9,176	391,998	8,977	383,784
Office of Justice Assistance, Research & Statistics										
Law Enforcement Assistance.....	390	127,175	264	227,845	264	185,734	222	159,691	125	21,923
Research & Statistics.....	110	35,841	165	66,372	165	67,464	146	62,466	89	39,233
Total, OJAS.....	500	154,016	429	294,217	429	253,202	367	222,156	214	61,156
TOTAL, DEPARTMENT OF JUSTICE.....	25,679	2,345,848	30,327	2,767,262	28,010	2,503,563	24,769	2,567,683	22,656	2,335,913

^aIncludes Reagan reductions.

^bThese organizations do not make a request to the Department. Amounts are provided here for comparability purposes.

SENIOR EXECUTIVE SERVICE BENEFITS

Mr. HIGHTOWER. How much is included in the Department's budget request for fiscal year 1982 for SES bonuses?

Mr. ROONEY. It is my understanding, Mr. Chairman—and I will correct this for the record if I am in error—that we have no new specific provisions for SES bonuses.

Mr. HIGHTOWER. So it would just have to come out of salary funds?

Mr. ROONEY. That is correct, Mr. Chairman.

Mr. HIGHTOWER. How many employees of the Department are members of the SES, and how many of those received bonuses during the last year?

Mr. ROONEY. We have, excluding the FBI and the Drug Enforcement Administration (who are not included in SES—they still retain the former supergrade status)—approximately 270 SES people in the department, of which 230 are career. Last year we had bonuses for 47.

Mr. HIGHTOWER. Do you have figures of how many of those 47 are still with the Department?

Mr. ROONEY. We could provide that, Mr. Chairman.

[The information follows:]

SES BONUS EMPLOYEES REMAINING WITH DEPARTMENT

Forty five of the forty seven SES people who received bonuses are still with the Department.

Mr. HIGHTOWER. So you have no appropriation requests for SES bonuses?

Mr. ROONEY. That is right.

GENERAL PRICING LEVEL ADJUSTMENT

Mr. HIGHTOWER. The budget summary book indicates that many of the appropriation items include amounts for general price level adjustments. What is the total request of the Department for such adjustments, and what is the basis for such requests?

Mr. ROONEY. The total, Mr. Chairman, for the general pricing level adjustment is \$29.7 million. The basis for it is that beginning with the 1981 budget, OMB established a new policy which permits us to consider price changes for goods and services and grants as a factor in preparing budget requests. In the past there were no allowances for any general adjustments for inflation.

Basically, we are talking here about those objects of expense which are established through the market system, or where nonfederal employees are the primary producers of the goods and services rendered. Anything which involves Federal employees or a combination of both does not qualify for the general pricing level adjustment.

The appropriations used either an 8.3 percent factor for Federal nonpay purchases or a 9.3 percent factor for State and local purchases. The only appropriations for the record that are authorized to use the higher State and local government purchase rate are the Support of U.S. Prisoners, Federal Prison System's, National Institute of Corrections and the Office of Justice Assistance, Research and Statistics.

Mr. HIGHTOWER. What is the percentage increase allowed for inflation?

Mr. ROONEY. That is basically what I had covered, the 8.3 percent and the 9.3 percent.

TRAVEL LIMITATION

Mr. HIGHTOWER. Was the Department of Justice included in the administration's program to reduce travel costs?

Mr. ROONEY. Yes, Mr. Chairman. In fiscal year 1981 and 1982 there were reductions to most of the Federal budgets. For the Department of Justice there was an exemption to further reduce travel beyond what the prior administration had established. However, we are currently operating at the \$88 million level, which was previously provided for 1981 by the Congress.

Mr. HIGHTOWER. So there has been no reduction?

Mr. ROONEY. No, Mr. Chairman, for two reasons: One, our travel is primarily for law enforcement or for litigation purposes, and two, the Attorney General was successful in making the point that any cutback here would be a considerable setback to the performance of our mission.

Mr. HIGHTOWER. You don't have optional travel?

Mr. ROONEY. We really don't, and in fact almost 25 percent of our budget for travel relates to nonfederal employees, where we are moving prisoners in the Marshals Service, moving aliens in the Immigration Service, and other areas where it is not Federal employees who are traveling, but we are paying for the travel of other individuals.

Mr. HIGHTOWER. Can you identify any, or is it just purely administrative travel?

Mr. ROONEY. We don't have a significant amount of it at all. Perhaps the only area where there could be some administrative travel would be in our General Administration area.

GENERAL ADMINISTRATION REQUEST

Mr. HIGHTOWER. The first appropriation under the Department of Justice which we shall consider is entitled "General Administration." The justifications appear under a separate title in Volume I of the justification book as well as a separate tab in the justification book in support of the amended budget request. We will insert these justification materials in the record at this point.

[The justifications follow:]

DEPARTMENT OF JUSTICE

SUMMARY TABLES - 1982

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BUDGET OF JUSTICE
Summary of Permanent Positions and Budget Authority 1980-1992
(Dollars in thousands)

APPROPRIATION	1980*		1981*		1982		Change from 1981 to 1982	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
General Administration	149	\$33,470	076	\$42,655	781	\$40,115	86	-42,140
U.S. Parole Commission	178	5,760	178	6,142	172	6,541	-6	399
Legal Activities:								
General Legal Activities	2,028	112,600	2,075	122,178	2,398	133,552	23	11,374
Armed Forces Sentiment Commission	28	1,030	18	950	18	705	...	-145
Antitrust Division	939	49,481	939	46,557	897	49,566	-42	3,009
U.S. Attorneys and Marshals	7,333	258,768	6,801	288,466	6,479	284,115	-322	5,649
Support of U.S. Prisoners	...	21,600	...	22,600	...	28,600	...	6,000
Ree and Exports of Witnesses	...	27,846	...	27,000	...	29,421	...	2,421
Community Relations Service	111	5,145	111	5,455	108	5,655	-3	90
Total, Legal Activities	11,385	478,730	10,744	513,276	10,291	541,611	-34	28,388
Federal Bureau of Investigation	19,738	621,942	19,306	682,839	19,421	743,566	115	60,737
Immigration and Naturalization Service	10,763	349,131	10,886	376,100	10,281	385,039	-605	8,939
Law Enforcement Administration	4,072	203,979	4,112	223,944	4,071	236,254	-41	12,310
Federal Prison System								
Salaries and Expenses	9,313	317,400	9,160	351,293	9,119	364,377	-41	13,084
National Institute of Corrections	30	9,884	30	9,824	32	12,890	2	2,996
Building and Facilities	35	5,460	35	10,000	25	11,118	-10	2,711
Total, Federal Prison System	9,378	332,744	9,225	371,117	9,176	388,385	-49	20,741
Office of Justice Assistance, Research, and Statistics								
Law Enforcement Assistance	461	444,751	390	127,845	222	159,631	-168	31,846
Research and Statistics	110	43,768	110	45,642	185	62,465	75	16,823
Total, OJAS	571	488,519	500	173,487	387	222,156	-113	48,669
TOTAL, DEPARTMENT OF JUSTICE	56,911	2,512,745	55,746	2,389,580	54,769	2,567,683	-277	178,103

*Includes unobligated balance transfers of \$1,030,000 in 1980 for Parolee Claims Settlement Committee, \$40,169,000 in 1980 and \$10,628,000 in 1981 for DOJ and program supplements (see p. 7 for details).

(Nollam In thousands)

U.S. Merchants.....	2,177	100,014	2,098	100,793	-139	-3,221	-1.1
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The 1992 request for the Support of U.S. Prisoners includes \$3,000,000 to initiate a new cooperative agreement program to upgrade state and local detention centers which will improve the level of housing and care given Federal prisoners incarcerated for short time periods. An increase of \$698,000 will provide for expanded detention space in the higher cost metropolitan areas. The remaining increase of \$2,102,000 is related to contract removal cost escalation.

The request for the Community Relations Service includes a reduction of three positions and \$68,000 from the Executive direction and control program, and an increase of \$29,000 for automated data processing.

[illegible]

DEPARTMENT OF JUSTICE
Summary of Requirements by Appropriation, 1981 and 1982
(Dollars in thousands)

APPROPRIATION	1981			1982		
	Pos.	Work- years ¹	Budget Authority ²	Pos.	Work- years ¹	Budget Authority
General Administration.....	695	872	\$42,305	781	843	\$40,515
U.S. Parole Commission.....	178	173	6,142	172	173	6,581
Legal Activities:						
General Legal.....	2,975	2,950	118,566	2,998	2,968	133,552
Antitrust Division.....	18	20	22	18	19	705
U.S. Attorneys.....	939	938	46,557	897	934	49,566
Support of Prisoners.....	6,801	6,895	279,594	6,479	6,473	294,115
Federal Bureau of Investigation.....	...	...	22,600	...	...	28,600
Federal Bureau of Prisons.....	...	...	27,000	...	...	29,421
Federal Bureau of Probation.....	111	117	5,050	116	111	5,050
Federal Bureau of Corrections.....	10,844	10,880	499,368	10,530	10,511	541,614
Total, Legal Activities.....	19,306	18,653	681,709	19,421	19,099	743,566
Immigration and Naturalization Service..	10,886	10,298	376,100	10,281	10,532	385,030
Drug Enforcement Administration.....	4,112	4,083	223,944	4,071	4,075	236,254
Federal Prison System:						
Administration.....	9,160	9,299	345,443	9,119	9,128	364,377
Medical Institutions.....	30	30	1,484	22	21	12,490
Buildings and Facilities.....	36	37	10,030	36	34	14,608
Total, Federal Prison System.....	9,226	9,370	355,357	9,176	9,184	391,475
Office of Justice Assistance, Research, and Statistics:						
Law Enforcement Assistance.....	390	510	127,845	222	272	159,491
Research and Statistics.....	110	120	45,042	145	150	62,465
Total, OJAS.....	500	630	172,887	367	422	221,956
TOTAL, DEPARTMENT OF JUSTICE.....	55,746	54,870	2,348,952	54,769	54,899	2,567,683

1. Does not include workyears associated with non-appropriated funds as follows: Working Capital Fund, 378 and 382; Federal Prison Institution, Inc., 823 and 782; and Community Fund, 78 and 79.

2. Does not include unobligated balance transfers for pay and program supplements (see page 7 for details).

DEPARTMENT OF JUSTICE
Cross Charge 1981 Appropriation Request to 1982 Appropriation Request
(Dollars in thousands)

	1981 Appropriation Total	1982 Request Total	1982 Request Increase/Decrease Total	Percent Change Total				
General Administration.....	695	842,695	781	840,515	86	-42,140	12.4	-5.0
U.S. Parole Commission.....	178	6,142	172	6,541	-6	399	-3.4	6.5
Legal Activities:								
General Legal Activities.....	2,975	122,178	2,998	131,552	23	11,374	0.8	9.3
Foreign Claims Settlement Commission.....	18	850	18	705	...	-145	...	-17.1
Antitrust Division.....	939	46,557	897	49,566	-42	3,009	-4.5	6.5
U.S. Attorneys and Marshals.....	6,801	288,466	6,879	294,115	-322	5,649	-4.7	2.0
Support of U.S. Prisoners.....	...	22,600	...	28,600	...	6,000	...	26.5
Prize and Expenses of Witnesses.....	...	27,000	...	29,421	...	2,421	...	9.0
Community Relations Service.....	111	5,565	108	5,659	...	90	...	1.6
Total, Legal Activities.....	10,844	513,216	10,580	541,814	-344	28,598	-3.2	5.5
Federal Bureau of Investigation.....	19,306	682,829	19,421	743,566	115	60,737	0.6	8.9
Immigration and Naturalization Service.....	10,886	316,100	10,281	395,039	-605	8,939	-5.6	2.4
Drug Enforcement Administration.....	4,112	223,944	4,071	236,254	-41	12,310	-1.0	5.5
Federal Prison System:								
Salaries and Expenses.....	9,160	751,293	9,119	364,377	-41	13,084	-0.4	3.7
National Institute of Corrections.....	30	9,894	32	12,890	2	2,996	6.7	30.3
Buildings and Facilities.....	35	10,030	25	14,711	-10	4,711	-28.6	47.0
Total, Federal Prison System.....	9,225	311,207	9,176	381,968	-49	20,791	-20.5	5.6
Office of Justice Assistance, Research, and Statistics:								
Law Enforcement Administration.....	390	177,445	222	159,691	-168	31,846	-43.1	24.9
Research and Statistics.....	110	45,642	115	62,165	35	16,623	31.8	36.2
Total, Office of Justice Assistance, Research, and Statistics.....	500	111,487	367	222,156	-133	48,669	-26.6	28.1
TOTAL, DEPARTMENT OF JUSTICE.....	55,746	2,389,500	14,760	2,661,681	-977	118,103	-4.8	7.5

Derivation of Forest Authority
1980 and 1981
(In thousands of dollars)

The unobligated balances transferred in 1986 were derived from Buildings and Facilities, Federal Prison System, \$23,337,000 and Law Enforcement Assistance, Office of Justice Assistance, Research, and Statistics, \$16,942,000, respectively.

2-year plans include \$1,380,000 for the furniture renovation imposed in P.L. 96-304 and \$4,839,446 for the disposition of the Lee W. Brown Education Resource in OJAB.

The 1981 pay increase requirements are \$127,512,000, which in offset by absorptions of \$34,871,000 and an immobilized

of \$1,000,000, was transferred to the Office of Joint Activities, Research, and Statistics to fund the 1980 political conventions committee (p.l. 96-308). This was offset by a transfer to the Department of Education.

2

(Include in Unwaged)											
	General	U.S.	Total	Federal	Designation &	End	Federal	Office of			
	Revenue	Private	Legal	Revenue	Administration	Programs	Revenue	Justice			
	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts			
	Net	Net	Net	Net	Net	Net	Net	Net			
1961 - 1962	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1963 - 1964	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1965 - 1966	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1967 - 1968	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1969 - 1970	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1971 - 1972	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1973 - 1974	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1975 - 1976	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1977 - 1978	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1979 - 1980	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1981 - 1982	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1983 - 1984	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1985 - 1986	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1987 - 1988	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1989 - 1990	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1991 - 1992	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1993 - 1994	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1995 - 1996	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1997 - 1998	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
1999 - 2000	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2001 - 2002	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2003 - 2004	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2005 - 2006	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2007 - 2008	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2009 - 2010	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2011 - 2012	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2013 - 2014	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2015 - 2016	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2017 - 2018	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2019 - 2020	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2021 - 2022	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2023 - 2024	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2025 - 2026	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2027 - 2028	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2029 - 2030	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2031 - 2032	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2033 - 2034	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2035 - 2036	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2037 - 2038	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2039 - 2040	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2041 - 2042	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2043 - 2044	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2045 - 2046	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2047 - 2048	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2049 - 2050	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2051 - 2052	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2053 - 2054	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2055 - 2056	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2057 - 2058	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2059 - 2060	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2061 - 2062	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2063 - 2064	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2065 - 2066	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2067 - 2068	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2069 - 2070	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2071 - 2072	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2073 - 2074	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2075 - 2076	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2077 - 2078	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2079 - 2080	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2081 - 2082	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2083 - 2084	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2085 - 2086	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2087 - 2088	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2089 - 2090	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2091 - 2092	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2093 - 2094	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2095 - 2096	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2097 - 2098	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2099 - 2100	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2101 - 2102	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2103 - 2104	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2105 - 2106	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2107 - 2108	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2109 - 2110	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2111 - 2112	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2113 - 2114	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2115 - 2116	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2117 - 2118	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2119 - 2120	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2121 - 2122	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2123 - 2124	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2125 - 2126	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2127 - 2128	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2129 - 2130	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2131 - 2132	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2133 - 2134	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2135 - 2136	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2137 - 2138	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2139 - 2140	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2141 - 2142	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2143 - 2144	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2145 - 2146	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2147 - 2148	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2149 - 2150	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2151 - 2152	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2153 - 2154	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2155 - 2156	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571
2157 - 2158	178	178	13,380	13,380	13,380	13,380	13,380	571	571	571	571

[illegible]

[illegible]

DEPARTMENT OF JUSTICE
Summary of Obligations by Object Class
1980 - 1982
(In thousands of dollars)

OBJECT CLASSIFICATION	1980 Actual	1981 Estimate ¹	1982 Estimate	1982 Increase or Decrease over 1981	
				Amount	Percent
11 Personnel compensation.....	\$1,274,729	\$1,415,249	\$1,422,157	\$6,908	.5
12 Personnel benefits.....	180,955	160,387	168,532	8,145	5.1
13 Benefits for former personnel.....	58	168	143	-25	-14.9
21 Travel and transportation of persons....	71,759	83,420	91,134	7,714	9.2
22 Transportation of things.....	9,032	10,162	11,441	1,279	12.6
23.1 Standard level user charges.....	92,497	101,584	118,561	16,977	16.7
23.2 Communications, utilities, and other rent.....	90,703	98,924	115,592	16,668	16.8
24 Printing and reproduction.....	12,382	12,348	13,560	1,212	9.8
25 Other services.....	230,720	246,438	262,985	16,547	6.7
26 Supplies.....	84,006	87,233	96,468	9,235	10.6
31 Equipment.....	59,760	54,255	78,187	23,932	44.1
32 Lands and structures.....	19,995	1,539	151	-1,388	-90.2
41 Grants, subsidies and contributions....	444,159	145,907	178,774	32,867	22.5
42 Insurance claims and indemnities.....	11,845	14,253	12,778	-1,475	-10.3
44 Refunds.....	34	19	19	...	...
91 Unrecovered.....	11	180	180	...	...
TOTAL, OBLIGATIONS.....	2,542,655	2,432,026	2,570,622	138,596	5.7
FINANCING					
Unobligated balance, start of year.....	-167,739	-70,421	-8,175		
Unobligated balance, end of year.....	70,421	8,175	5,236		
Unobligated balance transferred to other accounts.....	16,970	-828	...		
Unobligated balance, lapsing.....	9,936	...	...
Recoveries of prior year obligations.....	-697	...	...
Total appropriation (Adjusted).....	2,471,586	2,368,952	2,567,683		

¹1981 figures do not include unobligated balance transfers for pay and program supplements. See p. 7 for details.

DEPARTMENT OF JUSTICE
Summary of Outlays
1979 - 1982
(In thousands of dollars)

APPROPRIATION	1979 Actual	1980 Actual	1981 Estimate	1982 Estimate
General Administration				
Salaries and Expenses.....	\$24,887	\$33,361	\$40,963	\$39,246
Consolidated Working Fund.....	659	-13	441	-
Working Capital Fund.....	-4,166	2,537	-132	-246
Total, General Administration.....	21,380	35,885	41,272	39,000
U.S. Parole Commission	5,121	4,999	6,019	6,399
Legal Activities				
Legal Activities.....	91,274	107,685	119,673	130,639
Prisoner Claims Settlement Commission.....	851	906	917	973
Attorney Division.....	42,098	49,420	46,207	47,714
United States Attorneys and Marshals.....	208,690	245,144	282,659	286,848
Support of United States Prisoners.....	17,467	20,991	21,991	27,885
Fees and Expenses of Witnesses.....	22,344	23,600	26,462	28,537
Community Relations Service.....	5,157	4,921	5,443	5,565
Total, Legal Activities.....	388,881	452,768	502,150	527,901
Federal Bureau of Investigation	585,991	609,181	678,587	743,153
Immigration and Naturalization Service	304,963	336,345	373,091	382,075
Drug Enforcement Administration	184,781	204,037	221,292	232,433
Federal Prison System				
Salaries and Expenses, Bureau of Prisons.....	290,763	318,550	348,238	363,312
National Institute of Corrections.....	10,090	10,277	9,681	11,708
Buildings and Facilities.....	42,954	23,119	18,532	15,054
Prisoner Health Services.....	31,124	31,119	31,119	31,119
Prisoner Education and Vocational Training Expenses.....	(4,370)	(4,866)	(4,736)	(4,565)
Commissary Fund.....	420	100	-	-
Total, Federal Prison System.....	317,399	352,184	376,351	390,074
Office of Justice Assistance, Research, and Statistics				
Law Enforcement Assistance.....	649,332	640,178	447,962	274,502
Revolving Fund.....	-132	-44	-	-
Research and Statistics.....	50,411	5,813	43,269	33,109
Total, Office of Justice Assistance, Research, and Statistics.....	699,311	645,347	491,225	317,611
Total, Outlays	2,538,017	2,641,264	2,690,387	2,668,646
Offsetting Receipts	-15,449	-9,586	-10,309	-10,259
TOTAL, DEPARTMENT OF JUSTICE	2,522,568	2,631,678	2,680,078	2,658,387

Includes outlays from "Payment of Victim and U.S. Pueblo Prisoner of War Claims".

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
1960 - 1962

UNUS	General Administration			U.S. Parole Commission			Legal Activities			Paralegal			Total		
	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	1962
Appreciated Funds															
Attorneys (905).....	112	121	119	6	6	8	4,100	4,128	3,995	274	270	235	4,404	4,527	4,357
Paralegal Specialists (942).....	15	17	16	3	3	3	504	509	524	42	42	42	571	578	581
Other Legal and Kindred (900-988).....	15	14	14	...	...	...	1,029	1,036	968	735	735	735	1,779	1,785	1,777
General Investigators (1810).....	...	...	...	...	...	...	16	16	16	11,155	11,239	11,216	11,171	11,255	11,232
Legal Attorneys (1811).....	...	...	...	...	...	...	...	...	...	1,952	1,918	1,768	1,952	1,918	1,768
Legal Attorneys (1816).....	...	...	...	...	...	...	...	...	...	2,120	2,293	2,133	2,120	2,293	2,133
Border Patrol Agents (1800-1899).....	...	...	...	...	...	...	...	...	...	492	492	495	492	492	495
Correctional Institutions Admin. (006).....	...	...	...	...	...	...	...	...	...	1,804	1,896	1,804	1,804	1,896	1,804
Correctional Officers (007).....	...	...	...	...	...	...	...	...	...	1,915	1,670	1,527	1,915	1,670	1,527
Fingerprint Identification Group (012).....	...	...	...	...	...	...	...	...	...	370	...	...	370	...	...
U.S. Marshals (082).....	...	...	...	...	...	...	...	...	...	22	22	12	22	22	12
Trustees (301).....	...	...	...	...	...	...	...	...	...	1,885	1,897	1,941	1,885	1,959	1,972
Quarantine Trade Personnel.....	72	72	72	...	...	...	2	3	3	695	696	675	873	875	864
Quarantine Trade Personnel (001-009).....	...	...	...	...	...	...	...	...	...	412	412	412	412	412	412
Social Sciences, Economics and Kindred (100-199).....	16	16	17	78	78	75	84	85	87	471	475	468	549	552	549
Intelligence Group (112-131).....	50	49	55	...	...	...	28	28	28	...	...	...	...	...	...
Personnel Management (200-299).....	298	287	309	88	88	85	3,071	3,154	3,115	14,500	14,425	14,154	17,997	17,994	17,663
Services (300-399).....	...	...	...	...	...	...	153	153	154	657	658	610	894	895	908
Biological Sciences (400-499).....	83	83	143	1	1	1	...	...	...	530	576	584	530	576	584
Medical, Dental, and Public Health (500-599).....	...	...	...	...	...	...	...	...	...	60	62	64	60	62	64
Engineering and Architecture (600-699).....	...	...	...	...	...	...	...	...	...	30	30	31	30	30	31
Information and Arts Group (1000-1099).....	1	1	1	...	...	...	...	...	...	108	107	112	128	127	132
Business and Industry Group (1100-1199).....	...	...	...	...	...	...	...	...	...	164	159	150	164	159	150
Physical Sciences Group (1300-1399).....	...	...	...	...	...	...	...	...	...	7	7	7	37	37	35
Library and Archives Group (1400-1499).....	24	32	32	...	...	...	...	...	...	...	...	...	...	...	...
Mathematics and Statistics Group (1500-1599).....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Engineering and Architecture (1600-1699).....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Education Group (1700-1799).....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Supply Group (2000-2999).....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Transportation (3100-3199).....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mobile Industrial (5700-5900).....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Post and Preemption and General Maintenance.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total.....	689	695	781	178	178	172	11,140	10,844	10,500	14,704	14,589	14,316	25,911	25,745	25,169

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
Legal Activities
1980-1982

Items	General Legal Activities			Foreign Office Commission			Attitrust Division			U.S. Attorneys and Marshals			Community Relations Service			Total Legal Activities		
	1980	1981	1982	1980	1981	1982	1980	1981	1982	1980	1981	1982	1980	1981	1982	1980	1981	1982
Appropriated Funds																		
Attorneys (905).....	1,538	1,556	1,555	18	10	10	464	464	442	2,083	2,097	1,987	1	1	1	4,100	4,128	3,995
Paralegal Specialists (960).....	185	189	186	...	...	...	85	83	83	234	237	255	...	...	...	504	509	524
Other Legal and Kindred (900-998)...	20	20	20	...	...	...	23	23	23	986	993	995	...	...	...	1,029	1,036	944
Criminal Investigating Series (1811).....	...	...	...	...	...	...	...	...	...	16	16	16	...	...	...	16	16	16
U.S. Marshals (082).....	...	...	...	...	...	...	...	...	...	1,915	1,670	1,527	...	...	...	1,915	1,670	1,527
Trustees (301).....	...	...	...	...	...	...	...	...	...	25	18	18	...	...	...	25	18	18
Guards (085).....	...	...	...	...	...	...	...	...	...	370	...	...	...	...	...	370	...	...
Other Miscellaneous Occupations (001-099).....	...	...	...	...	...	...	...	1	1	2	2	2	...	...	...	2	3	3
Social Services, Economics and Kindred (100-199).....	21	22	24	...	...	...	58	58	58	5	5	5	...	...	...	84	85	87
Personnel Management (200-299).....	...	...	...	...	...	...	...	...	...	28	28	28	...	...	...	28	28	28
General Admin. Clerical and Offices Services (300-399).....	1,146	1,169	1,192	15	8	8	292	293	273	1,512	1,578	1,539	166	106	103	3,071	3,154	3,115
Accounting and Budget (500-599).....	11	11	12	...	...	...	7	7	7	134	134	134	1	1	1	153	153	154
Information and Arts Group (1000-1099).....	...	...	...	...	...	...	...	...	...	3	3	3	1	1	1	4	4	4
Business and Industry Group (1100-1199).....	3	3	3	...	...	...	7	7	7	10	10	10	...	...	...	20	20	20
Library and Archives Group (1400-1499).....	4	4	4	...	...	...	1	1	1	...	...	...	1	1	1	6	6	6
Mathematics and Statistics Group (1500-1599).....	...	1	2	...	...	...	2	2	2	...	...	...	1	1	1	3	4	5
Equipment, Facilities and Service Group (1600-1699).....	...	...	...	...	...	...	...	...	...	1	1	1	...	...	...	1	1	1
Supply Group (2000-2099).....	...	...	...	...	...	...	...	...	...	6	6	6	...	...	...	6	6	6
Mobile Industrial, Equip. Operator & Warehousing Group (5700-6900)...	...	...	...	...	...	...	...	...	...	3	3	3	...	...	...	3	3	3
TOTAL	2,928	2,975	2,998	29	18	18	930	939	897	7,333	6,801	6,479	111	111	108	11,340	10,848	10,500

DEPARTMENT OF JUSTICE
General Administration and Legal Activities
Number of Attorneys, 1960 - 1962

Division/Office	1960 Actual	1961 Estimate	1962 Estimate
General Administration			
Attorney General.....	7	11	9
Deputy Attorney General.....	9	9	9
Associate Attorney General.....	22	15	15
Office of Information Law and Policy.....	1	4	6
Office of Professional Responsibility.....	6	8	7
Intelligence Policy and Review.....	10	10	10
Office for Improvements in the Administration of Justice.....	14	14	13
Office of Legislative Affairs.....	13	13	13
Justice Management Division.....	4	4	4
Prison Attorney.....	4	4	4
Board of Immigration Appeals.....	22	22	22
Total, General Administration.....	112	121	119
U.S. Family Commission.....	8	8	8
General Legal Activities			
Solicitor General.....	21	21	21
Assistant Attorney General.....	203	202	203
Criminal Division.....	467	467	468
Civil Division.....	356	356	356
Land and Natural Resources Division.....	189	210	220
Office of Legal Counsel.....	21	21	21
Civil Rights Division.....	192	189	186
Total, General Legal Activities.....	1,538	1,556	1,555
Foreign Claims Settlement Commission.....	14	10	10
Antitrust Division.....	408	404	442
United States Attorneys and Marshals			
United States Attorneys.....	2,065	2,072	1,962
Bankruptcy Masters.....	13	20	20
United States Marshals.....	5	5	5
Total, United States Attorneys and Marshals.....	2,083	2,097	1,987
Community Relations Service.....	1	1	1
Total, Legal Activities.....	4,100	4,128	3,995
TOTAL, GENERAL ADMINISTRATION, FOREIGN COMMISSION, AND LEGAL ACTIVITIES.....	4,240	4,257	4,122

DEPARTMENT OF JUSTICE
UNCONTROLLABLE ITEMS
Budget Estimates - 1982

The uncontrollable items listed in the estimates for the various appropriations involve costs over which the Department has little or no control. Uncontrollable costs result primarily from statutes, Executive Orders, and other Presidential directives that have Government-wide application; in a number of cases, resources are also requested to pay for the uncontrollably increased cost of basic commodities and services. Both categories, when increasing, are reflected in the justification material as "uncontrollable increases." When decreasing they are reflected in the "Decreases" section of the justification of "Adjustments to base and built-in charges," along with other non-recurring items. The cost of uncontrollable increases less the amount identified as "increases" represents the net changes required to maintain the Department's 1981 level of operations. These computations, together with transfers, determine the base for 1982.

A. Uncontrollable items required by statute, Executive Order, or other Presidential directive include costs that the Department must pay to implement Government-wide regulations and policies. The items which are deemed to qualify for inclusion are listed below with the brief statement relating to the statutory or other authority and any legal citation.

1. Annualization of October 1980 (FY 1981) pay increase
Executive order 12248 issued pursuant to P.L. 91-656, authorized pay increases for civilian and military personnel to be effective at the beginning of the first pay period on or after October 1, 1980. The effective date was October 5, 1980. Supplemental funds have been requested in 1981 to finance a part of the costs and the remainder will be absorbed from the workyear reduction consistent with the Administration's policy of maintaining employment at the approximate level of current on-board employment. Increases are requested to pay all compensable days in 1981 at the higher rates.
2. Annualization of new positions approved in 1981
P.L. 96-536, Further Continuing Appropriations, 1981, provides funds to fill an identifiable number of additional positions for part of 1981. Funds are requested in 1982 to fill these positions on a full-year basis.
3. Within-grade (step) increases
An employee paid on an annual basis and occupying a permanent position within the scope of the General Schedule, who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay to the next higher rate within the grade, subject to certain limitations following the completion of 52 weeks of service in pay steps 1, 2 and 3; 104 weeks of service in pay steps 4, 5 and 6; or 156 weeks of service in pay steps 7, 8 and 9 (5 U.S.C. 5335).
4. Wage-board salary increases
Funds are requested for wage-board salary increases effective in 1981 granted under authority of 5 U.S.C. 5341, and additional increases estimated to be granted under the same authority through September 30, 1981.

5. Retirement contributions for Social Security (FICA)
On January 1, 1982, the base on which earnings for Social Security computations are calculated increased from \$29,700 to \$31,000. In addition, the rate applied to these earnings increases 12.4 percent. This request provides for the increased costs caused by the January 1, 1982 increase in base as well as the rate increase.
6. Health benefits costs
The Federal Employees Health Benefits Act (F.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total premium paid commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates, which has a direct impact on the cost to the Government.
7. Federal Employees' Compensation Act (FECA)
F.L. 93-254 provides that an employee who is injured in the performance of duty shall be furnished medical services and other benefits, and that these expenses when authorized or approved by the Secretary of Labor shall be paid by the Employees' Compensation Fund (5 U.S.C. 8133). The Secretary shall furnish to each agency the payments made from the fund applicable to each agency and such agency shall include in its annual budget estimates a request for an appropriation equal to such costs. When such sums become available, they shall be deposited to the credit of the Employees' Compensation Fund (5 U.S.C. 8147(b)). The request for 1982 reflects the expected billing for the actual costs incurred during the period July 1, 1979, to June 30, 1980.
8. Standard Level User Charges (SLUC)
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration (GSA) to charge for the use of space furnished. The request will permit GSA to furnish in 1982 approximately the same quantity and quality of space authorized for the approved 1981 program level. Additional space for new positions and other purposes is contained within each of the program increase requests.
9. GSA recurring reimbursable services
The General Services Administration (GSA) provides additional heating, ventilation, air conditioning (HVAC) and guard services on a reimbursable basis. These costs are separate from Standard Level User Charges (SLUC) because they represent services above the level GSA would normally provide within the SLUC rate.
10. Federal Telecommunications Systems (FTS)
P.L. 97-247 established a Federal Telecommunication Fund to be available, among other things, for the operations of a Federal Telecommunications System (FTS) and provided that the fund shall be credited with advances and reimbursements for services rendered at rates determined by the Administrator, General Services Administration (GSA), to approximate the costs met by the fund (76 Stat. 1117). The increase for FTS reflects the advance billing provided to the Department by GSA in August 1980.

11. Travel costs - airfare increases
Although airfares are subject to less regulation as a result of the Deregulation Act and the regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting this 35 percent growth is included.
- B. Funds are requested for other uncontrollable increases not specifically mandated by statute, Executive Order, or other Presidential directive. These increases are necessary to maintain programs at the currently authorized level of operation. Some are particularly sensitive to price changes and all are uncontrollable to the extent that they involve cost increases that have to be paid and their denial would adversely affect the health and welfare standards already established for prisoners, create significant inequities in the compensation of various categories of Government employees, or significantly affect the level of activity provided by a program. In some instances, e.g., GPO printing costs and Departmental printing and communication costs, the increase requested consists of a mixture of costs increased by statute, Executive order, or other Government-wide regulations, as well as costs relating to market price changes, e.g., paper, fuel, and toll rate changes. The categories of increase are itemized below.
1. Annualization of pending program supplements
The supplemental workyears and funds cover only a portion of 1981; therefore, uncontrollable increases are requested for funding and workyears at the increased level in 1982.
 2. Administrative salary increases
Assistant United States Attorneys occupying permanent positions are, under certain circumstances, granted successive annual pay increases at varying rates until a maximum salary level is reached.
 3. GPO printing costs
Contract printing or other printing of a recurring nature are under the control of the Government Printing Office (GPO) is considered an uncontrollable cost. Since GPO determines the disposition of most printing requests, increased costs for printing services are separately stated rather than included with estimated costs of wage-board or General Schedule salary increases. GPO has advised the Department of Justice that a 9 percent increase in the cost of printing and binding is forecast for 1982. Any approved increase in the printing workload is included in program increase requests.
 4. Departmental printing and reproduction costs
The Justice Publications Services Facility provides central printing and reproduction services for the organizations of the Department on a reimbursable basis. The 9 percent increase reflects recent pay raises, as well as increased costs of supplies and materials.
 5. Foreign cost of living allowance
Standard regulations which apply to Government civilians in foreign areas state that certain allowances may be paid to personnel serving in civilian status overseas. These include: quarters allowance, post allowance, post differential and education allowance. Amounts of these allowances, which are determined by the Department of State, will increase by approximately 15 percent in 1982.

6. Change of station
An increase has been included for the Drug Enforcement Administration to cover actual costs experienced for rate changes and inflationary value of property in the sale and purchase of a residence.
7. Overseas mail transportation costs
An uncontrollable increase for the Drug Enforcement Administration and the Immigration and Naturalization Service has been included to cover the projected cost increase for services provided by the Department of Defense.
8. Distributed administrative support
Under the Foreign Affairs Administrative Support System (FAAS), the Drug Enforcement Administration is charged, by the Department of State for administrative support items. The amount of this charge is determined by the Department of State and is expected to increase by 15 percent in 1982.
9. Foreign Service Institute (FSI) language training
The requested increase provides for increased tuition costs for foreign language training.
10. Relocation costs
The requested increase for the Parole Commission provides for funds required to maintain the present level of services in future years resulting from a forced move of the Central Office 1, the District of Columbia to a new location in Friendship Heights, Maryland.
11. Fair Labor Standards Act
As a result of a study completed in 1979, it was determined that law enforcement officers are entitled to FLSA coverage after reaching 46.5 hours work per week versus 50 hours per week. The payroll system was altered to trigger such coverage in January 1980. However, the 1981 budget does not include funding for this increase. To compensate for the 1982 difference this increase has been included.
12. Contractual detention costs
The cost of non-service contractual detention facilities will increase about 9.8 percent for the Immigration and Naturalization Service.
13. General pricing level adjustment
This request applies the GPM pricing guidance of August 1980 to selected non-personnel expense categories. Increased costs result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are determined through the market system instead of by law or regulation. Generally the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Categories of expense where inflation has already been built into the 1982 estimates are excluded. A factor of 9.3 percent was applied in those organizations which spend the bulk of their funds through state and local grants.

DEPARTMENT OF JUSTICE

Summary of Changes in Justification Material

For the first time in 1982 the Department has submitted a consolidated budget estimate and justification document incorporating the annual authorization as well as the Appropriation requirements. Negotiations with Judiciary and Appropriations Committees resulted in the consolidation of the two submissions into a single more concise document. Seldom used materials have been deleted and frequently referenced materials such as program justification narrative and resource charts were reorganized to permit a more effective and consistent presentation of the Department's request.

Structure

Antitrust Division. In accordance with Congressional action, the Antitrust Division is a separate submission from the General Legal Activities appropriation.

Foreign Claims Settlement Commission. P. L. 96-209, U.S. Foreign Claims Settlement Commission transfer to Justice Department, transferred the Foreign Claims Settlement Commission to the Department in March 1980. A separate submission has been included for this appropriation.

Concept

Legislative Proposal. Included in the 1982 submission is a separate legislative proposal for the U.S. Attorneys and Marshals. Under the proposal, legislation will be proposed to establish an autonomous judicial system in the government of the District of Columbia by granting the D.C. Government full authority for the prosecution of violations of local laws and the sheriff functions now performed by the U.S. Attorney's Office and U.S. Marshals Service respectively.

Administratively Uncontrollable Overtime. Administratively uncontrollable overtime is now a line entry on the Summary of Resources by Program and Summary of Requirements by Grade and Object Class. This provides both workyear and funding information.

Full-time Equivalent Employment (Workyears). Full-time equivalent employment (FTE) has been used instead of full-time permanent and other employment in 1982. Full-time equivalent employment does not include terminal leave, additional compensable days or non-ceiling employee hours, that result from worker-trainee opportunity programs and certain summer youth programs. Workyears are now equivalent to FTE employment. FTE employment, stated in terms of workyears, is comparable to costs reported under object classes 11.1, Permanent positions, and 11.3, Positions other than permanent.

Pay Computation. The Summary of Adjustments to Base and Built-In Changes provides in detail the absorption of the October pay raise. Major absorption in pay was made possible by the reduction of workyears and related funding in 1981 consistent with the Administration's policy of maintaining employment at the appropriate level of current on-board employment. Other savings were realized by the transfer of \$1,250,000 from the Federal Prison System, buildings and facilities to the Salaries and Expenses account.

Content

The Department of Justice 1982 Justifications for the Congress differ significantly in the format from the Justifications prepared in 1981. Included with the appropriations request is also authorization material. The Detail of Permanent Position by Category, the Workload Data and the Report on Recent Accomplishments have been deleted from the 1982 submission. The information from the first chart has been included in the Summary tables; information from the second and third charts has been consolidated with the Justification of Program and Performance exhibit. Workyears, equivalent to full-time equivalent employment, are reflected in all charts and tables.

Organization Chart. An organization chart must be submitted by each organization reflecting the organization's structure to the section or staff level or its equivalent.

Justification of Proposed Language Changes. This exhibit has been divided into two parts this year. The first part will describe the language requirements to be contained in the 1982 Authorization bill and the second part will address language requirements to be included in the Appropriation.

Crosswalk of 1982 Changes. A new table required this year is the Crosswalk of 1981 Changes which reflects the changes to the original 1981 resource request. The data in this table are displayed by decision unit. Columns will show the final budget estimates as submitted by the President to the Congress; adjustments bridging to the Appropriation Act; reprogrammings approved by the Administration, and last will reflect the 1981 anticipated appropriation. Any changes to the authorization request is described in a narrative explanation.

Summary of Resources by Program. A new exhibit which details by program the allocation of positions, workyears and funds for 1980 through 1982. Also reflected is holiday and overtime workyears for each appropriation.

Status of Congressionally Requested Studies, Reports, and Evaluations. The Judiciary and Appropriations Committees have requested certain program evaluations and reports which will be responsive to Congressional inquiries. A brief status report on all studies, reports or evaluations requested by Congress or mandated by law has been included.

Program Ranking. Two ranking requirements are required, the first is to prioritize each program, and the second requested increases.

Summary of Adjustments to Base and Built-In Changes. This exhibit reflects in terms of workyears and budget authority all adjustments-to-base changes proposed for the budget year. This exhibit shows all absorptions that apply to the supplemental pay estimates. Areas where absorptions may be derived include savings from employment reductions, absorption of travel costs, deferrals, etc.

DEPARTMENT OF JUSTICE

Summary of Language Changes Proposed in the 1982 Appropriation and Authorization Estimates

Substantive language changes for the 1982 appropriation and authorization language for the Department of Justice are summarized below. Language changes are explained for both the appropriation and authorization estimates since these submissions have been consolidated.

Appropriation Language Changes

General Administration

No substantive changes proposed.

United States Parole Commission

No substantive changes proposed.

Legal Activities
General Legal Activities

The proposed change deletes the transfer of funds from the "Alien Property Fund, World War II" because claims arising from the expropriation of property in World War II have been settled and the transfer is no longer required.

Foreign Claims Settlement Commission

Language transferring funds from the account entitled "Payment of Vietnam Prisoners of War Claims" is proposed for deletion because the available balances in that account are virtually exhausted.

Antitrust Division

No substantive changes proposed.

United States Attorneys and Marshals

No substantive changes proposed.

Support of Prisoners

New language is proposed to restrict the amount that the Department may spend for jail renovations under whatever legislative authority may be approved. The proposed Department of Justice Authorization Act, Fiscal Year 1982, provides authority to enter into contracts or cooperative agreements for the physical renovation of facilities which confine Federal detainees.

Federal Bureau of Investigation

A change is proposed increasing the number of replacement vehicles for police-type use from 1,100 to 1,500. Additional language is also proposed which provides two-year funding for automatic data processing and telecommunications (ADP/T) procurement (\$8,000,000) and for undercover operations (\$600,000).

Immigration and Naturalization

Additional language is proposed to increase the amount which may be paid to aliens for work performed while they are held in INS detention facilities; 8 U.S.C. 1555 permits the rate of payment of allowances to be specified from time to time in the Appropriations Act. The requested increase would be sufficient to encourage aliens to volunteer for necessary work in and around detention facilities. Currently, the payment is one dollar per day; this change would increase the amount paid to four dollars per day and would require no additional funding.

Drug Enforcement Administration

Language is proposed which decreases the number of police-type vehicles purchased from 375 to 325 of which 310 are for replacement and 15 are to be purchased for new agents. An additional change makes \$1,700,000 available for the purchase of evidence and payments for information until September 30, 1983.

Supplemental language provides for the purchase of 15 police-type vehicles without regard for the general purchase price limitation and makes \$1,700,000 available for the purchase of evidence and payments for information until September 30, 1982.

Federal Prison System
Salaries and expenses

The number of law enforcement and passenger motor vehicles is increased from 27 to 31 of which 27 are for replacement only.

National Institute of Corrections

No substantive changes proposed.

Buildings and Facilities

No substantive changes proposed.

Federal Prison Industries, Incorporated

No substantive changes proposed.

Office of Justice Assistance, Research and Statistics
Law Enforcement Assistance

The proposed change deletes the restrictive clause for juvenile justice programs. Since only juvenile justice and the Public Safety Officers' Benefits programs remain in this appropriation, no specific earmarking is necessary.

Research and Statistics

No substantive changes proposed.

General Provisions

No change is proposed to Section 201. The change to Section 202 provides that the allowance for official reception and representation purposes should be increased from \$25,000 to \$35,000. These funds are used principally by the Attorney General, the Federal Bureau of Investigation, the Immigration and Naturalization Service and the Drug Enforcement Administration. In addition, the United States Parole Commission, the Criminal Division and the United States Attorneys have requested the use of this limitation which is not currently available to them.

Authorization Language Changes

General Legal Activities

The proposed change deletes the transfer of funds from the "Alien Property Fund, World War II" because disposition of all claims against this fund have been resolved and resources are not expected to be required for 1982.

Federal Bureau of Investigation

The proposed new language would provide authority for the FBI to expend \$8,600,000 over a two-year period in conjunction with its planned ADP/T thrust for 1982 and for undercover operations which might extend beyond the fiscal year due to unforeseen operational requirements. Potential ADP/T procurement delays intensify the need for extended funding availability in this highly technical area.

Drug Enforcement Administration

The proposed language for the 1982 Authorization Bill would: (1) allow the payment of "mole" rewards based on the value of seized property (including money and other assets, vehicles, vessels and aircraft); (2) allow the reward to be taken from the seized property itself or its sale rather than DEA's appropriation; and (3) prohibit the payment of "mole" rewards based on the value of seized contraband. Drug traffickers often utilize large amounts of currency and assets, expensive aircraft, vessels, and vehicles, to facilitate their drug trafficking; the proposed provisions give DEA the needed practical tool of being able to pay informants meaningful rewards from the assets and property of the drug traffickers. Such awards would remain at the level of 25 percent of the seized asset or property, with a maximum possible award of \$50,000 for each case.

Another provision would permit "multi-year" authority to retain funds for purchase of evidence and payment for information (FE/PI). Heretofore DEA's FE/PI funds have been "one year" funds; any part of the appropriation not obligated by September 30 must be returned to the Treasury. This has complicated the administration of the FE/PI accounts and may even lead to unnecessary expenditures at the end of each year. (While the decision to make a specific expenditure is controllable, when and where an opportunity to make an expenditure will arise and the amount of the expenditure to be made are both uncontrollable).

General Authorization Provisions

The Department of Justice is requesting the following general authorization provisions:

- None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person is, at the time so employed, duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.
- Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations issued by the Attorney General.
- Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.
- Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.
- Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed \$35,000 for official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General.
- Sums authorized to be appropriated by this Act may be used for--
 - (1) expenses of primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents, and
 - (2) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may issue, determines that such schools are not accessible by means of public transportation.
- There are authorized to be appropriated for the fiscal year ending September 30, 1982, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

- Sums authorized to be appropriated for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.
- Sums authorized to be appropriated by this Act may be used for paying for benefits related to educational travel for dependents of Department of Justice personnel stationed abroad on the same basis as Department of State personnel.
- (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organization's programs, as determined by priorities set either by the Congress or the Attorney General;
- (b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of the evaluation, including full access to all information, documentation, and cognizant personnel, as required.

General Authorization Provisions

The Department of Justice is requesting the following general authorization provisions:

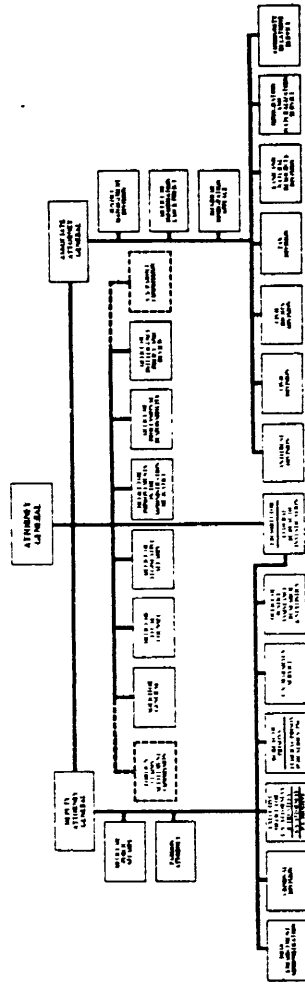
- None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person is, at the time so employed, duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.
- Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations issued by the Attorney General.
- Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.
- Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.
- Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed \$35,000 for official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General.
- Sums authorized to be appropriated by this Act may be used for -
 - (1) expenses of primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents, and
 - (2) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may issue, determines that such schools are not accessible by means of public transportation.
- There are authorized to be appropriated for the fiscal year ending September 30, 1982, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

- Sums authorized to be appropriated for "salaries and expenses, General Administration", "salaries and expenses, United States Attorneys and Marshals", "salaries and expenses, Federal Bureau of Investigation", "salaries and expenses, Immigration and Naturalization Service", and "salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.
- Sums authorized to be appropriated by this Act may be used for paying for benefits related to educational travel for dependents of Department of Justice personnel stationed abroad on the same basis as Department of State personnel.
- (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organization's programs, as determined by priorities set either by the Congress or the Attorney General;
- (b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of the evaluation, including full access to all information, documentation, and cognizant personnel, as required.

DEPARTMENT OF JUSTICE
General Administration
Estimates for Fiscal Year 1982
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[Signature]
Date 4/9/80
Attorney General

General AdministrationSummary StatementFiscal Year 1982

The General Administration appropriation provides resources to support the Attorney General and the senior policy level officials of the Department who assist him in the development of policy objectives and the management of the Department. This is augmented by a Department-wide capability to review, control and evaluate the programs of the Department, conduct research on the Federal Justice system and monitor adherence to policy guidelines. In addition, selective administrative support is provided to the legal divisions and the smaller offices and boards within the Department. This appropriation also supports two organizations responsible for the administrative review and appeal of decisions relating to individuals: the Board of Immigration Appeals and the Pardon Attorney.

The 1982 request for the General Administration appropriation is for \$40,515,000, 781 permanent positions and 806 workyears. This request represents a decrease of \$2,140,000 and increases of 86 positions and 84 workyears from the 1981 appropriation anticipated. The request consists of uncontrollable increases of \$1,912,000. Also requested is a transfer of 70 positions and \$3,466,000 from the Office of Justice Assistance, Research and Statistics (OJARS) to the Justice Management Division's Internal Audit Staff to centralize within the Department the various audit and accounting functions previously conducted by OJARS. The proposed program changes of 16 positions and -\$7,518,000 will affect program initiatives in the following activities:

1. Program direction and policy coordination - The Attorney General, aided by the Deputy Attorney General, the Associate Attorney General and other Department policy-level officials, directs and supervises all activities and programs of the Department. In 1982, program changes include a net increase of 18 positions and \$3,068,000 to support: increased activities and requirements of the Deputy Attorney General, particularly the Department's INSERPOL operation; improvements to the Department's internal audit program, equal employment opportunity program, contract procurement review, labor-management relations, library and financial management systems and management of the Freedom of Information and Privacy Acts.
2. Administrative review and appeals - This program includes the receipt, investigation and disposition of applications to the President for Executive clemency and the review and disposition of appeals from certain decisions of the Immigration and Naturalization Service. Program decreases of 2 positions and \$86,000 are requested for this activity.
3. Federal Justice research program - This program supports applied research projects on broad issues affecting the entire Federal Justice system. A program increase of \$300,000 is requested to initiate studies in the areas of white collar crime, the costs of civil litigation and the relative costs of criminal activity in this country.

4. State and local drug grants program - This activity reflects a program for which \$9,500,000 was appropriated in 1981. No funds are requested for this activity in 1982.
5. Special Management Studies - This activity reflects two studies initiated by Congress in FY 1981: 1) National Crime Information Center Study (\$1,000,000); and 2) the Case Management Study (\$300,000). No funds are requested for this activity in 1982.

General Administration

Proposed Authorization Language

The following authorization language is being requested for General Administration:

For General Administration, including -

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or Assistant Attorney General for Administration;

\$40,515,000.

General Administration
Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

General Administration, Salaries and Expenses

For expenses necessary for the administration of the Department of Justice, [\$40,833,000] of which [\$1,400,000]	\$40,515,000
is to remain available until expended for the Federal Justice Research program.	<u>\$1,888,000</u>

No substantive changes proposed.

General Administration
Summary of 1981 Changes
 (Dollars in thousands)

Activity/Program	1981 President's Administration				1981 Legislative				1981 Appropriations			
	1981	1980	1979	1978	1981	1980	1979	1978	1981	1980	1979	1978
1. Program Direction and Policy Coordination												
Executive Office	27	41,136	-5	-3	-41,09	...	...	...	...	...	...	...
Attorney General	28	29	1,096	...	...	...	...	...	...	...	...	...
Deputy Attorney General	45	65	1,978	...	...	...	...	...	...	...	...	...
Associate Attorney General	...	...	...	...	...	...	...	...	...	...	...	...
Office of Legal Policy	...	...	...	...	...	...	...	...	...	...	...	...
Policy and Review	14	14	609	...	...	...	...	...	...	...	...	...
Office of Professional Responsibility	11	11	326	...	...	...	...	...	...	...	...	...
Office of Public Affairs	13	15	640	...	...	...	...	...	...	...	...	...
Office of Information	...	...	...	...	...	...	...	...	...	...	...	...
Law and Policy	8	8	340	...	...	...	...	...	...	...	...	...
Office of Management and Administration	33	33	1,307	...	...	...	...	...	...	...	...	...
Office of Legislative Affairs	...	...	...	...	...	...	...	...	...	...	...	...
Office of Management and Administration	28	30	1,066	...	...	...	...	...	...	...	...	...
Executive Direction	...	...	...	...	...	...	...	...	...	...	...	...
and Control	28	25	1,228	...	...	...	...	...	...	...	...	...
Programs and Administration	11	11	413	...	...	...	...	...	...	...	...	...
Management and Budget	11	11	6,071	...	...	...	...	...	...	...	...	...
System	42	37	2,713	...	...	...	...	...	...	...	...	...
Audit	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	959	684	27,715	...	...	...	...	...	...	...	...	...
2. Administrative Review of Appeals	11	12	381	...	...	...	...	...	...	...	...	...
Office of the Federal Attorney General	...	...	...	...	...	...	...	...	...	...	...	...
Board of Immigration Appeals	8	8	1,031	...	...	...	...	...	...	...	...	...
Subtotal	52	52	1,974	...	...	...	...	...	...	...	...	...
3. Federal Justice Research Program	...	...	...	...	...	...	...	...	...	...	...	...
State and Local Drug Court Program	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	...	...	...	...	...	...	...	...	...	...
4. State and Local Drug Court Program	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	...	...	...	...	...	...	...	...	...	...
5. Special Management Study	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	...	...	...	...	...	...	...	...	...	...	...	...
Total	111	78	831,333	...	...	...	...	...	...	...	...	...

Explanation of Analysis of Changes from 1980 Appropriation Request

Reprogramming

The reprogramming of positions and budget authority reflects the movement effect of the November 25, 1980 reprogramming notification. The notification indicates that the reprogramming of 15 positions and \$471,000 from the Associate Attorney General to the Assistant Attorney General for Administration for the Information System Center is of a permanent nature, and that the reprogramming of 15 positions and \$471,000 from the Assistant Attorney General for Administration to the Assistant Attorney General for Administration is of a permanent nature. This change was made, in part, in anticipation of this office's enhanced responsibilities as reflected in the 1982 request.

Supplementals Requested

1. The pay raise Executive Order 12246, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981.
2. The supplemental request for \$26,000 provides for the maintenance of the Information System Center (ISC) in the Office of the Assistant Attorney General. The ISC is necessary to carry out the IMPROD, Functions, and to fulfill the Department's commitment to the IMPROD General Secretariat.

General Administration

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. The Senate Report on the Department of Justice Authorization Act, 1981, expressed concern about the impact and effectiveness of the Civil Rights Units in the U.S. Attorneys' offices. The Justice Management Division has been assigned the responsibility for examining this issue. A work plan has been prepared. The evaluation should be completed, and a final report issued, by September 30, 1981.
2. The Senate Report on the Department of Justice Authorization Act, 1981, recommended that the Department examine the joint state and local drug law enforcement grant program under the Justice System Improvement Act and develop an evaluation framework for the program. The Justice Management Division is responsible for this task. A work plan for this project is currently being developed. Completion of the study and issuance of the final report are expected by September 30, 1981. This program is currently funded from the State and Local Drug Grants program of this appropriation.
3. The House Report on the Department of Justice Appropriation Authorization Act, 1981, expressed concern about the service of civil process for private litigants by the U.S. Marshals Service. The Justice Management Division has begun data collection for the study. Completion of the study and issuance of the final report should be accomplished by September 30, 1981.
4. The Senate Report on the Department of Justice Authorization Act, 1980, expressed concern about implementation of several specific program reforms in administration of the Witness Security Program. The General Accounting Office is presently conducting an extensive review of this program and targets July for issuance of their report. Since it would be very disruptive to the Department's Witness Security personnel to have two identical evaluations in progress simultaneously, JMD instead is providing management assistance to the Criminal Division in improving specific weaknesses in Witness Protection Program oversight responsibility.
5. The Senate Report on the Department of Justice Authorization Act, 1981, expressed concern about the effectiveness of the regional office structure of the Drug Enforcement Administration. The Department will examine the issue and determine if a study is needed.
6. The Senate Report on the Department of Justice Authorization Act, 1981, requested the Department to conduct a study of the National Crime Information Center. The study will be coordinated by the Federal Bureau of Investigation and the Justice Management Division. The study is still in the planning stage and an estimated completion date has not been determined.

7. The Senate Report on the Department of Justice Authorization Act, 1981, requested the Department to develop a systems plan which will result in the activation and coordination of compatible, comprehensive case management information and tracking systems within the Department. The Department has established the Department of Justice Information Systems Center whose primary function is the development and implementation of such plan. The plan itself should be developed by the end of fiscal 1981. However, full implementation of the plan is not expected within this fiscal year. To date, the Center has been staffed and progress has been made in defining the data elements to be collected. Computer programming is under way which should result in the test production of macro-level reports by the end of fiscal year 1981.

General Administration
Priority Ranking of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	ATTORNEY GENERAL	1	DEPUTY ATTORNEY GENERAL
2	DEPUTY ATTORNEY GENERAL	2	INFORMATION LAW AND POLICY
3	ASSOCIATE ATTORNEY GENERAL	3	INTERNAL AUDIT
4	PROFESSIONAL RESPONSIBILITY	4	PERSONNEL AND ADMINISTRATION
5	INTELLIGENCE POLICY AND REVIEW	5	MANAGEMENT AND BUDGET
6	INFORMATION LAW AND POLICY	6	LITIGATION AND MANAGEMENT SYSTEMS
7	PARDON		
8	IMMIGRATION APPEALS		
9	IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE		
10	FEDERAL JUSTICE RESEARCH		
11	EXECUTIVE DIRECTION AND CONTROL, JUSTICE MANAGEMENT DIVISION		
12	INTERNAL AUDIT		
13	MANAGEMENT AND BUDGET		
14	PERSONNEL AND ADMINISTRATION		
15	LITIGATION AND MANAGEMENT SYSTEM		
16	PUBLIC AFFAIRS		
17	LEGISLATIVE AFFAIRS		

General Administration
Salaries and expenses
Summary of Adjustment to Base and Built-in Changes
(Dollars in thousands)

	Per- Pos.	Work- years	Amount
1981 as enacted.....	695	722	\$40,833
Supplementals requested:			Amount
Pay increase supplemental requested:			\$1,822
Increased pay costs.....			-344
Deferral to meet increased pay costs.....			...
Reprogramming to meet pay costs.....			-6
Other savings.....			1,472
Net pay supplemental.....			350
Program supplemental requested:			
Interpol.....	695	722	42,655
1981 appropriation anticipated.....	70	67	3,466
Adjustments to base and built-in changes:			
Transfer from the Office of Justice Assistance, Research, and Statistics, audit program.....			
Uncontrollable increases			
Annualization of 1981 pay increase.....			365
Within-grade increases.....			93
Health benefits.....			210
Standard Level User Charge (SLUC).....			71
GSA recurring reimbursables.....			233
Federal Telecommunications System (FTS).....			31
Travel costs - airfare increases.....			135
GPO printing costs.....			90
Federal Register printing costs.....			15
Departmental printing and reproduction costs.....			19
General pricing level adjustment.....			30
Total, uncontrollable increases.....			630
Total, adjustments to base and built-in changes.....			1,912
1982 Base.....	70	67	5,378
	765	789	48,033

General Administration

Salaries and expenses

Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Perm. Work- Years	Amount
70	67	3,466	

Transfers to and from other accounts:

Transfer from the Office of Justice Assistance, Research, and Statistics, Audit Program.....

Uncontrollable Increases:

1. Annualization of 1981 pay increase.....
This provides for the annualization of the October 5, 1980 pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 and three days (October 1-3, 1980) were not included in the pay raise. Of the pay raise amount of \$1,822,000, \$344,000 was absorbed. The calculation of the amount required for annualization is:

3/261 x Amount of Pay Raise.....	\$21
1981 Absorption of pay.....	344
Total annualization.....	365

2. Annualization of 17 additional positions approved in 1981..... 93

Approved 1980 Increase	Annualization Required
---------------------------	---------------------------

Annual salary rate of approved positions.....	\$340,000
Less lapse (25 percent).....	-85,000
Net compensation.....	255,000
Associated employee benefits.....	8,000
Total costs subject to annualization.....	263,000

3. Within-grade increases..... 210

This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$192,000 and benefits \$18,000 = \$210,000).

Number of GS Positions	Annual Salary Rate	Pay at Base of Grade	Cost of Within- grade	Lower Pay Scale Adjust.	Adjust. Cost of Within- grades	Change from PY
1982	742	\$20,924	\$18,033	\$2,891	\$192	
1981	663	24,385	21,686	2,699	201	
1980	633	23,675	21,385	2,290	836	
1979	653	15,802	14,378	1,424	1,662	-903
1978	777	17,099	15,017	2,082	2,565	...

4. Health benefits costs..... \$71

The Federal Employees Health Benefits Acts (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on Government costs. The requested increase of \$71,000 provides for payment of the average rate percent over the \$573,000 now available.

5. Standard Level User Charges..... 233

P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration (GSA) to charge for the use of space furnished. The increase of \$233,000 provides for the same quality and quantity of space in 1982 as in 1981.

6. GSA Recurring Reimbursable Services..... 31

The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$31,000 will provide the same level of service in 1982 as in 1981 which was \$1,545,000.

7. Federal Telecommunications System (FTS)..... 135

The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. For 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$135,000 over the base of \$162,000.

	Perm. Pos.	Perm. Work- Years	Amount
8. Travel costs - airfare increases.....	\$90
The Civil Aeronautics Board states that regular fares have increased approximately 35 per- cent in the past year. An uncontrollable increase reflecting the 35 percent growth in airfares results in an increase of \$90,000 over the base of \$135,000.			
9. GPO Printing Costs.....	15
The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$15,000 over the base of \$167,000.			
10. Printing Costs for the Federal Register and Code of Federal Regulations.....	19
The Legislative Branch Appropriation Act of 1978 (P.L. 95-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations. The current cost estimates from GPO reflect an increase from \$320 per page to \$408 per page for the Federal Register. The requested uncontrollable increase provides funding for 216 pages.			
11. Departmental Printing and Reproduction Costs.....	30
Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$30,000 over the base of \$333,000.			
12. General Pricing Level Adjustment.....	620
This request applies to DMB pricing guidance of August 1980 in selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead or by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1982 estimates.			
Total uncontrollable increases.....	1,912
Total, adjustments to base and built-in changes.....	70	67	5,378

General Administration
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Program Direction and Policy Coordination										Total									
	Executive Direction		Administration of the Administration of Justice		Legislative Affairs		Judicial Division		Administrative Review and Appeals		Federal Justice Research Program		State and Local Drug Grants		Special Management Studies		Total		Total	
	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.	Pos.	Neg.
Grades																				
GS/BS-17.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	-1	-50		
GS/BS-15.....	-1	-45	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	78		
GS/BS-14.....	..	..	-1	-35	..	..	..	..	..	..	..	..	..	..	..	..	2	79		
GS/BS-13.....	2	89	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	80		
GS-12.....	1	27	-2	-14	..	..	..	..	..	..	..	..	..	..	..	..	-2	-44		
GS-11.....	..	..	-1	-22	..	..	..	..	..	..	..	..	..	..	..	..	2	45		
GS-10.....	-1	-18	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	46		
GS-9.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-8.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-7.....	3	45	-1	-15	..	..	..	..	..	..	..	..	..	..	..	..	-1	-15		
GS-6.....	1	14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	6	119		
GS-4.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total positions and annual rates.....	5	88	-5	-126	-2	-41	20	482	-2	-85	..	..	..	..	..	..	16	338		
Lease.....	..	..	5	93	..	..	-4	-74	..	..	..	..	..	..	..	..	1	19		
Total workyears and personnel compensation.....	5	88	..	-33	-2	-41	16	408	-2	-85	..	..	..	..	..	..	17	357		
Personnel benefits.....	..	..	..	-3	..	..	..	36	..	-6	..	..	..	..	..	..	..	31		
Travel and transportation of persons.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rent, Communications and Utilities.....	6	11	..	..	..	..	..	85	..	-5	..	..	..	..	..	..	90			
SLUC.....	14	14	..	..	..	..	..	25	..	-8	..	..	..	..	..	..	14			
Printing and reproduction.....	12	12	..	..	..	..	..	22	..	..	..	..	..	..	..	..	31			
Other Services.....	200	200	..	..	..	..	..	1,199	..	-2	..	..	..	..	..	..	34			
Supplies and materials.....	12	12	..	..	..	..	..	46	..	..	..	..	..	..	..	..	54			
Equipment.....	75	75	..	..	..	..	..	856	..	..	..	..	..	..	..	..	975			
Total workyears and obligations, 1962.....	5	430	..	-36	-2	-51	16	2,725	-2	-86	..	..	..	..	..	..	17	-7,618		

General Administration
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions	Amount	Positions	Amount	Positions	Amount
Executive Level I, \$69,630.....	1		1		...	
Executive Level II, \$50,662.....	1		1		...	
Executive Level III, \$55,387.....	1		1		...	
Executive Level IV, \$52,750.....	3		3		...	
ES-6, \$50,112.....	1		1		...	
ES-5, \$50,112.....	4		4		...	
ES-4, \$50,112.....	10		11		1	
ES-3, \$50,112.....	5		5		...	
ES-2, \$49,499.....	3		3		...	
ES-1, \$47,889.....	3		3		...	
GS-17, \$50,112.....	4		3		-1	
GS-16, \$49,198-50,112.....	10		10		...	
GS/GM-15, \$44,547-50,112.....	63		76		13	
GS/GM-14, \$37,871-49,229.....	89		108		19	
GS/GM-13, \$32,048-41,660.....	74		96		22	
GS-12, \$26,951-35,033.....	53		63		10	
GS-11, \$22,486-29,236.....	46		50		4	
GS-10, \$20,867-26,605.....	5		8		3	
GS-9, \$18,585-24,165.....	59		58		-1	
GS-8, \$16,826-21,875.....	28		37		9	
GS-7, \$15,193-19,747.....	87		98		11	
GS-6, \$13,672-17,776.....	71		71		...	
GS-5, \$12,266-15,947.....	26		31		5	
GS-4, \$10,963-14,248.....	12		13		1	
GS-3, \$9,766-12,700.....	2		2		...	
Ungraded positions.....	24		24		...	
Total, appropriated positions.....	695	\$19,290	781	\$22,296	86	\$3,006
Pay above stated annual rates.....	...	80	...	86	...	6
Lapses.....	-45	-748	-68	-858	-3	-110
Net savings due to lower pay scales for part of year.....	...	21	...	...	...	21
Net permanent.....	650	18,601	713	21,524	63	2,923

General Administration
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate Workyears	Amount	1982 Estimate Workyears	Amount	Increase/Decrease Workyears	Amount
11.1 Permanent positions.....	630	\$18,601	713	\$21,524	83	\$2,923
11.3 Positions other than permanent:						
Part-time permanent.....	41	311	46	473	5	162
Temporary employment.....	21	227	21	227	...	...
Other part-time and intermittent employment...	22	138	18	90	-4	-48
11.5 Other personnel compensation:						
Overtime.....	6	372	6	366	...	-6
Other compensation.....	2	69	2	69	...	...
Total, workyears and personnel compensation.....	722	19,718	806	22,749	84	3,031
12 Personnel benefits.....						
21 Travel and transportation of persons.....		1,790		2,090		300
22 Transportation of things.....		733		1,236		503
23.1 Standard level user charge.....		41		47		6
23.2 Communications, utilities, and other rent.....		2,561		3,129		568
24 Printing and reproduction.....		1,562		1,995		433
25 Other services.....		559		644		85
26 Supplies and materials.....		13,874		5,538		-8,336
31 Equipment.....		311		1,130		819
		1,257		1,927		700
Total obligations.....		42,406		40,515	84	-1,891
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		5,347		7,140		1,793
Obligated balance, end-of-year.....		-7,140		-8,409		-1,269
Outlays.....		\$40,613		\$39,246		\$1,367

Executive Direction
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base and built-in changes:

	Perma. Pos.	Work- years	Amount
1981 as enacted.....	139	142	\$6,728
Reprogramming to the Justice Management Division for the Information Systems Center.....	-15	-15	-474
Supplementals requested:			
1981 Pay supplemental.....	...	...	345
1981 Program supplemental requested.....	...	...	-50
1981 appropriation anticipated.....	124	127	6,949
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	86
Annualization of new positions approved in 1981.....	...	...	62
Within-grade increases.....	...	...	44
Health benefits.....	...	...	10
Standard Level User Charges (SLUC).....	...	...	48
GSA recurring reimbursable services.....	...	...	6
Federal Telecommunications System (FTS).....	...	...	7
Travel costs - airfare increases.....	...	...	47
GPO printing costs.....	...	...	6
Departmental printing and reproduction costs.....	...	...	15
General pricing level adjustment.....	...	...	53
Total uncontrollable increases.....	...	...	394
1982 base.....	124	127	7,333

	1980 Enacted		1980 Actual		1981 Appropriation Anticipated		1982 Base		FY 1982 Estimate		Increase/Decrease				
	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount			
Estimates by budget activity.....	140	133	45,875	140	133	45,577	124	127	47,333	129	132	47,763	5	5	4430

Program direction and policy
 coordination:

Executive direction.....

Executive Direction

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Budgeted			1980 Actual			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Executive Direction:																		
Attorney General.....	19	21	81,213	19	21	81,178	22	24	81,200	22	24	81,266	20	22	81,125	-2	6	-141
Deputy Attorney General.....	28	29	1,650	28	29	1,602	28	29	2,133	28	29	2,223	34	35	2,707	6	6	444
Associate Attorney General.....	55	46	1,251	55	46	1,176	30	30	1,606	30	30	1,722	34	30	1,722	...	...	...
Intelligence Policy & Review.....	14	12	613	14	12	501	14	14	661	14	14	685	14	14	685	...	...	...
Professional Responsibility.....	8	8	415	8	8	404	11	11	458	11	11	498	9	9	650	-2	-2	-48
Public Affairs.....	14	15	843	14	15	836	14	14	860	14	14	715	14	14	693	...	...	-22
Information Law and Policy.....	2	2	58	2	2	66	2	2	51	2	2	72	8	8	283	...	...	157
Total.....	148	133	5,075	148	133	5,277	124	127	6,343	124	127	7,333	129	132	7,783	-3	3	450
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	133	133	...	133	133	...	127	127	...	127	127	...	134	134	...	...	5	...

EXECUTIVE DIRECTION
Salaries and Expenses, General Administration
Justification of Program and Performance

Activity: Program Direction and Policy Coordination	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount
Executive Direction:								
Attorney General.....	22	\$1,200	22	\$1,266	20	\$1,125	-2	-\$141
Deputy Attorney General.....	28	2,133	28	2,223	34	2,707	6	484
Associate Attorney General.....	30	1,606	30	1,722	30	1,722	...	...
Intelligence Policy & Review...	14	661	14	685	14	685	...	...
Professional Responsibility...	11	458	11	498	9	450	-2	-48
Public Affairs.....	14	680	14	715	14	693	...	-22
Information Law and Policy.....	5	211	5	224	8	381	3	157
Total.....	124	6,949	124	7,333	129	7,763	5	430

This budget activity includes resources for the primary missions of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Intelligence Policy and Review, Professional Responsibility, Public Affairs, Information Law and Policy, Legislative Affairs, Justice Management Division and the Office for Improvements in the Administration of Justice. The areas discussed in this section reflect the Executive Direction functions of this budget activity. Justice Management Division and Office for Improvements in the Administration of Justice and Office of Legislative Affairs requirements are shown in separate sections.

Activity: Program Direction and Policy Coordination	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount
Attorney General.....	22	\$1,200	22	\$1,266	20	\$1,125	-2	-\$141

Long-Range Goal: To develop appropriate policies regarding the administration of justice in the United States; to represent the United States effectively in justice-related matters; and to provide advice and opinions on legal matters to the President, the members of the Congress and the heads of Executive departments and agencies.

Major Objectives:

- To identify and resolve complex policy issues and program problems.
- To formulate and implement major departmental policies and programs.
- To provide overall supervision and direction to the Federal Bureau of Investigation on all intelligence matters.
- To investigate and process all prospective candidates for judicial appointments and to make recommendations to the President.
- To manage resources effectively.

Base Program Description: The Attorney General is responsible for developing and implementing the policy objectives of the Department and for managing the Department's programs and resources. In this role, he is supported by staff members who coordinate the various program activities to insure consistency with current Department policies and who serve as liaisons between Department organizations and the Attorney General when matters of importance require his direct involvement. The Attorney General keeps the public informed of Department activities by appearing before a wide range of citizens' groups and professional associations. He also meets regularly with the President and members of the White House staff, other Federal agency officials, members of Congress, and the Office of Management and Budget on Department policy and program matters.

Program Changes: Decreases of 2 positions and \$141,000 are requested for the Office of the Attorney General. The reduction is the result of maintaining total employment through 1982 at the approximate level of current on-board employment.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY
Deputy Attorney General.....	28	29	\$2,133	28	29	\$2,223	34	35	\$2,707	6	6
											\$484

Long-Range Goal: To support the Attorney General in the supervision and management of the Department of Justice and in the formulation and implementation of major departmental policies and programs, particularly in the criminal justice area.

Major Objectives:

- To assist the Attorney General in providing overall supervision and direction of certain organizational units of the Department of Justice, including the Office of the Parole Attorney, Office of Justice Assistance, Research and Statistics (OJARS), Federal Prisons System, U.S. Marshals Service, Executive Office for U.S. Attorneys, Criminal Division, Drug Enforcement Administration, Office of Public Affairs, and the Federal Bureau of Investigation on nonintelligence matters.
- To formulate and implement policies and programs for those organizations.

To coordinate and control the Department's role in civil disturbances and/or acts of terrorism.

To maintain policy control over all criminal matters before U.S. Attorneys or Departmental attorneys, including those in the Civil Rights, Tax, Antitrust, and Land and Natural Resources Divisions, as well as the Criminal Division.

To coordinate criminal justice matters with DOJARS and state and local law enforcement and criminal justice agencies.

To establish and direct the implementation of policy relating to the participation of the United States in INTERPOL.

To oversee the implementation and administration of programs under Sections 8 and 15 of the Small Business Act, as amended.

Base Program Description: In supporting the Attorney General in the oversight and management of the Department's criminal justice organizations, the Deputy Attorney General provides policy and program guidance. In addition, the Deputy Attorney General provides testimony before Congressional committees on legislation affecting the Department; represents the Department on interagency groups working on law enforcement and other criminal justice matters; develops and supervises the implementation of all policies relating to criminal investigations and prosecutions; exercises the power and authority vested in the Attorney General and in DOJARS to take final action in matters pertaining to: (A) employment, separation and general administration of personnel in General Schedule grades GS-16 through GS-18 or equivalent, and of attorneys, regardless of grade or pay, in organizational units subject to the supervision or direction of the Deputy Attorney General, and (B) appointment of Assistant U.S. Attorneys and other attorneys to assist U.S. Attorneys when the public interest so requires, and determination of their salaries.

Program Changes: Increases of 6 positions and \$484,000 are requested for the Office of the Deputy Attorney General for the INTERPOL function. The additional personnel are needed to operate and maintain the International Case Tracking System (ICTS), and to eliminate the existing case-work backlogs. Non-personnel resources are needed to cover costs associated with the computer systems' contracts necessary for maintaining an effective ICTS. Resources are also needed to complete a microfiche project, which involves the microfilming of 1979-1982 and subsequent case files.

Resources will also be used for necessary equipment purchases. Additional terminals and printers will be purchased and systems depreciation costs will be covered. Microfiche equipment also will be purchased so that microfilming of future case files can be done within the Department rather than through an outside contractor.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
	Pos.			Pos.			Pos.			Pos.	
Associate Attorney General.....	30	30	\$1,606	30	30	\$1,722	30	30	\$1,722	...	...

Long-Range Goal: To assist the Attorney General in the oversight and management of the Department's civil litigation programs and in the formulation and implementation of major Departmental policies and programs.

Major Objectives:

To provide overall supervision and direction to the following organizational components: Antitrust Division, Civil Division, Civil Rights Division, Land and Natural Resources Division, Tax Division, Community Relations Service, Immigration and Naturalization Service, Board of Immigration Appeals, and the Justice Management Division.

To develop and implement policies and programs for the above named organizations.

To establish Departmental policies and procedures for administrative appeals under the Freedom of Information and Privacy Acts.

To supervise the Attorney General's Honor Law Graduate and Attorney Employment Programs.

To supervise the activities of the Federal Legal Council, which is responsible for studying problems in the management and operation of Federal law offices and for recommending solutions to those problems, including proposed legislative remedies.

Base Program Description: The Office conducts regular reviews of policy issues within the organizations supervised and actively participates in decisions regarding policy matters of unusual sensitivity or extraordinary importance within these organizations. The Associate Attorney General acts on matters of employment, separation and general administration of super-grade positions and of attorneys at all pay and grade levels in the Department (except as these duties are assigned expressly to the Deputy Attorney General). The Office oversees the Attorney General's Employment Program for Honor Law Graduates and Judicial Law Clerks, and acts as the Department's liaison with the White House staff and the Executive Office of the President.

Accomplishments: The creation of this Office has led to more comprehensive oversight on a continuing basis of the organizations supervised. This supervision has resulted in several benefits, including: a) early identification of problems in these organizations and early involvement of top-level officials in their solution; b) better cooperation and coordination among the organizations supervised; and c) improved development of reorganization plans within the organizations supervised.

The Office has responsibility for monitoring the on-going performance of the Employment Review Committee which reviews proposed hirings and promotions of attorneys to ensure fair consideration of women and minority applicants as well as equity in salary and grade level. The Office continues to revise the recruiting and hiring procedures of the Attorney General's Employment Program for Honor Law Graduates and Judicial Law Clerks to encourage more hiring of women and minorities.

The Office has responsibility for the Department's coordination of Federal litigation management activities conducted by the Federal Legal Council. The primary goal of the Council is to evaluate problems in the management and operation of Federal law offices and recommend solutions to those problems, including legislative remedies.

1981 Appropriation Anticipated

Perm. Pos.	NY Amount	1982 Base Perm. Pos.	NY Amount	1982 Estimate Perm. Pos.	NY Amount	Increase/Decrease Perm. Pos.	NY Amount
14	\$661	14	\$685	14	\$685	...	...

Intelligence Policy and Review....

Intelligence Policy Goal: To coordinate, develop and implement departmental policy on intelligence and national security matters.

Major Objectives:

- To provide legal advice concerning intelligence matters to the Attorney General, and to the Executive Branch of government.
- To participate in the development of legal aspects of national intelligence policy.
- To participate in the drafting of procedural guidelines and new legislation for the conduct of intelligence activities.
- To represent intelligence agencies as legal counsel before the United States Foreign Intelligence Surveillance Court.
- To monitor, as appropriate, intelligence and counterintelligence activities to ensure conformance with statutory, Executive Order and other guidelines.
- To maintain liaison with the Senate and House Permanent Select Committees on Intelligence activities.

Base Program Description: The Office's staff attorneys conduct necessary legal research, consult with intelligence agency counsel, and the Department's Office of Legal Counsel, where appropriate, and prepare legal memoranda and opinions for the Attorney General, the Counsel for Intelligence Policy and other Federal agencies. The Counsel for Intelligence Policy participates directly in the interpretation and application of law to national intelligence policy as the Department's representative to the National Foreign Intelligence Board through regular consultation with senior staff of the National Security Council (NSC). The Office represents the Attorney General and the Department on a variety of interdepartmental and intelligence community boards, subcommittees and working groups. As staff representatives for the Attorney General fulfilling his responsibilities under Executive Order 12036, the attorneys for the Office of Intelligence Policy and Review (OIPR) play a significant role in establishing or approving procedures for the conduct of intelligence and counterintelligence activities. These procedures must be balanced and permit all necessary intelligence and counterintelligence activities consonant with protection of individual constitutional rights and privacy. The attorneys participate in the drafting, revision and analysis of these procedural guidelines. OIPR fulfills this same responsibility with regard to new legislation affecting intelligence activities. Applicants for electronic surveillance approved by the Attorney General are presented to the U.S. Foreign Intelligence Surveillance Court by OIPR attorneys who appear as legal counsel for the applicant intelligence agencies. When required,

legal memoranda, motions and other legal papers are also prepared and filed with the Court. OIPR prepares the Attorney General's semi-annual report to the Congress on electronic surveillance conducted under the Foreign Intelligence Surveillance Act. Supplementary briefings on electronic surveillances and other intelligence activities of interest to the House and Senate Intelligence Committees are also undertaken as required. From time-to-time the Counsel for Intelligence Policy and Deputy Counsel have testified before the two Intelligence committees to explain the Department's views on intelligence policy and to discuss certain intelligence matters.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount
Professional Responsibility.....	11	11	\$458	11	11	\$498	9	9	\$450	-2	-2	-\$48

Long Range Goal: To assist the Attorney General in strengthening the integrity of and maintaining public confidence in the Department of Justice, and in fostering and further developing among all Department employees a commitment to professional responsibility.

Major Objectives:

- To improve and refine the present Department-wide reporting system in which misconduct and criminal allegations against Department employees are brought to the attention of this Office and the Attorney General.
- To establish a comprehensive, efficient and effective internal inspection system through the Department by periodically evaluating organizations and programs involved with employee integrity.
- To oversee and coordinate all internal investigations of serious allegations concerning the conduct of Department employees that may be in violation of law, Department regulations or orders, or applicable standards of conduct.
- To ensure the implementation of a program which facilitates the reporting of allegations of fraud, mismanagement and waste of funds.
- To ensure the implementation of a program which facilitates the reporting of allegations of reprisals against "whistle-blowers."

Base Program Description: Subject to the general supervision and direction of the Attorney General or, wherever appropriate, the Deputy Attorney General or the Solicitor General, the Office of Professional Responsibility has the responsibility to "receive and review any information or allegation presented... concerning conduct by a Department employee that may be in violation of law, of Department regulations or orders, or of applicable standards of conduct." (28 C.F.R. sec. 0.39). As a rule, the actual review and investigation of such allegations are conducted by the internal inspection unit of the particular

Department component. Monthly reports on the status of such investigations are submitted by each internal inspection unit to the Office of Professional Responsibility. If deficiencies are found in the component's handling of any matter, it is the responsibility of the Office to make such deficiencies known and to direct corrective action. Further, in certain instances, the Counsel will determine that a particular allegation is of such an unusual nature that it would be in the best interest of the Department for the inquiry to be directed by the Office itself. To aid the Office of Professional Responsibility in the discharge of such duties, provision has been made for the temporary assignment of other Department personnel to the Office. These individuals work under the direction of the Counsel, the Deputy Counsel and four Assistant Counsels.

Program Changes: A decrease of 2 positions and \$48,000 is requested for this office. The decrease will enable the staff to continue its involvement in the detection of mismanagement and waste of Government funds while maintaining employment through 1982 at the approximate level of current on-board employment.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Public Affairs.....	14	14	\$680	14	14	\$715	14	14	\$693	...	-\$22

Long-Range Goal: To inform the public of the Department's activities, to inform Department personnel of matters that should be brought to their attention, especially what is being said about the Department in the news media, and to advise the Attorney General and other Department officials on their dealings with the news media.

Major Objectives:

- To keep the Attorney General, Department officials, and rank and file personnel of the Department informed about daily and periodical press and broadcast media reports.
- To assist the Attorney General and other officials in responding effectively to reporters and editors in interviews and news conferences.
- To inform the Attorney General on which requests by U.S. Attorneys for permission to issue subpoenas against newsmen and new organizations should be granted.
- To counsel U.S. Attorneys on how and when to use the subpoena power against newsmen.
- To inform all Department personnel of significant activities of the Department, both to provide information they can use directly in their work and to promote a sense of unity in a large and scattered work force.

To deliver accounts of Department actions speedily and accurately to the press and other parties that have expressed interest.

To enable visiting dignitaries and groups to learn first-hand of the Department's activities.

To respond to inquiries about the Department from the general public.

To communicate as effectively as possible with the U.S. Hispanic population.

Base Program Description: The Office maintains a close liaison with heads of the Department's organizations and their respective public affairs offices so that appropriate press releases, statements, interviews, or press conferences can be communicated to the public through the media regarding the Department's activities. The staff frequently surveys the Department for ideas and programs that generally receive little media attention but are important to the improvement of the justice system. Media attention is stimulated through news releases and personal contacts with reporters about particular topics which interest them.

Accomplishments: The Office prepares briefing memos for out-of-town trips made by the Attorney General. This requires the Office to prepare for the Attorney General a concise report of sensitive issues throughout the Department. For every major meeting of the Attorney General with the media, the Office prepares an extensive briefing book that contains possible questions and suggested answers on the broadest range of Department issues. This effort engages the entire professional staff in its research. The Office writes or edits all news releases for Justice headquarters and its satellite agencies. The number of releases averages more than 600 a year. The Office participates in the writing or editing of many of the Attorney General's speeches and reviews for publication virtually all speeches by other Department officials for their newsworthiness and for possible problems they may create in the reporting of them.

The Office responds to about 27,000 phone calls a year from the media and the public, along with thousands of mail requests. These require countless follow-up calls throughout the Department to insure that swift, complete, and accurate answers are provided. The Office is also responsible for editing the Attorney General's Annual Report, the Biennial Report of the Attorney General on Federal Law Enforcement and Criminal Justice Assistance Activities, and the Department's Organization and Functions brochure that is distributed to the public.

Program Change: A decrease of \$22,000 is requested for this Office. The reduction is the result of attempts to reduce 1982 budget levels where feasible.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease					
	Anticipated						Perm.					
	Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Pos.	MY Amount				
Information Law and Policy.....	5	5	\$211	5	5	\$224	8	8	\$381	3	3	\$157

Long-Range Goal: To aid Executive branch agencies in achieving a high degree of compliance with the Freedom of Information Act (FOIA), and to bring about needed reform in the FOIA and in agencies' administrative practices and procedures for handling FOIA matters.

Major Objectives:

To coordinate the development of government-wide policies relating to the implementation of the FOIA, and to promulgate such policies to Department of Justice components and other Federal agencies.

To provide specific legal and policy guidance to Department of Justice components and other Federal agencies on proposed final administrative denials of FOIA requests (and on other FOIA issues) so as to improve the government's degree of compliance with the FOIA and to avoid a waste of resources through unnecessary processing or litigation.

To "encourage agency compliance with the FOIA" (see 5 U.S.C. §552(d) by informal investigation of complaints from citizens and legislators of alleged failures by a Federal agency to comply with either the letter or spirit of the Act.

To publish periodic editions or arrange for such publication of the Freedom of Information Case List.

To issue a periodic bulletin to Federal agencies summarizing key developments under the FOIA and providing general guidance for their implementation of the Act.

To conduct an on-going study of the FOIA for the purpose of recommending needed amendments and changes in administrative practices and procedures.

To conduct, and to cooperate with other persons who conduct training programs to raise the level of knowledge about the FOIA on the part of Federal agency personnel and members of the public.

To review all complaints in FOIA and "reverse FOIA" suits against the government in order to identify those which should not be defended for reasons of law, policy, or the conservation of litigation resources, and to identify those of unusual significance or difficulty which merit defense and to assist in such defense.

To participate in all decisions whether to appeal adverse district court decision and whether to seek rehearing or certiorari from an adverse court of appeals decision.

To review all briefs prepared for filing in FOIA and "reverse FOIA" suits for the purpose of insuring that the Justice Department takes positions in these cases which are consistent and sound on both law and policy considerations.

To create a comprehensive reference library of FOIA primary and secondary sources.

Base Program Description: The development of government-wide policies on any of the many complex, unresolved issues relating to the implementation of the FOIA can be accomplished only through exhaustive research into the relevant legal, factual and policy concerns. Since OILP has only a limited in-house research capability, it is forced to depend heavily on FOIA specialists in other Department components and other agencies. Once the necessary research has been completed, the matter is normally presented to the Freedom of Information Committee (FOIC) for its consideration. The Director of OILP also serves as chairman of the FOIC, an advisory body charged by the Attorney General with assisting OILP in its work. See 28 C.R.F. §0.29a. OILP has developed a number of different ways of providing legal and policy guidance to Department components and other Federal agencies. It will provide such advice at any stage of a FOIA problem but, because of limited resources, concentrates on the point when a determination has been reached to make a final administrative denial of a request. The strict time limits dictate that in most instances such advice be provided by telephone in a Summary Consultation. If, however, the matter is of sufficient significance or difficulty, it is handled as a Special Consultation or an In-Depth Consultation. These procedures range from an informal meeting with OILP attorneys to a formal presentation to the full FOIC. They may or may not include advance documentation from the component or agency wishing to make a final denial.

When OILP receives a complaint of an alleged failure to comply with the FOIA, or when it becomes aware of such an allegation by other means, it contacts the component or agency involved and attempts to recommend a course of action which will correct any failure which is found to have occurred. If there is substantial disagreement over the proper action to take, the matter may be referred to the FOIC for advice. Preparation of each edition of the Freedom of Information Case List requires substantial research to locate and identify new (or previously undiscovered) FOIA decisions by Federal courts. These decisions must be carefully analyzed and annotated in the topical index.

OILP attorneys continue to evaluate the language of the FOIA itself, as well as administrative practices and procedures utilized by agencies in handling FOIA matters. In light of current judicial decisions and problems brought to its attention, for the purpose of developing and recommending needed amendments, OILP attorneys review complaints in FOIA for seminars, panel discussions, training courses, etc., on this subject. OILP attorneys review complaints in FOIA cases, recommendations on whether to appeal or seek certiorari, and, in highly significant cases, drafts of briefs to be filed with a court of appeal or the Supreme Court. Input is then provided on important issues of law or policy.

Program Changes: The increase of 3 positions and \$157,000 will enable the Office to increase significantly the scope and availability of its counseling services and will be able to initiate selective monitoring of agencies' implementation of FOIA. The increase also will: 1) enable the Office to develop and promulgate written legal and policy guidance on all

major government-wide issues; 2) openly advertise or publicize its "ombudsman" role in a manner designed to reduce the amount of additional litigation; 3) publish semi-annual revisions of the Freedom of Information Case List; 4) publish a bi-monthly (rather than quarterly) newsletter; 5) undertake a continuing study of needed amendments to FOIA as well as of desirable changes in agency FOIA regulations; 6) assume a leading role in the development and coordination of FOIA training; 7) coordinate positions to be taken at all levels of FOIA litigation; and 8) establish a comprehensive FOIA reference library.

Executive Direction
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Attorney General		Deputy Attorney General		Professional Responsibility		Public Affairs		Information Law and Policy		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS/GM-15.....	-1	-\$45	..	...	...	...	...	...	...	...	-1	-\$45
GS/GM-14.....	-1	-38	1	\$38	...	...	...	...	...	...	...	...
GS-13.....	...	...	1	33	...	...	...	...	...	...	...	...
GS-12.....	...	...	..	...	...	...	...	...	...	...	...	...
GS-9.....	...	...	1	20	-2	-\$38	...	...	...	...	-1	-18
GS-7.....	...	...	3	45	...	...	...	...	...	...	3	45
GS-6.....	...	...	...	...	...	...	...	...	...	...	1	14
Total positions and annual rate...	-2	-83	6	136	-2	-38	...	...	3	73	5	88
Lapse (-).....	...	...	...	...	...	...	...	...	...	...	...	...
Total workyears and personnel compensation.....	-2	-83	6	136	-2	-38	...	...	3	73	5	88
Personnel benefits.....	...	-8	...	13	...	-4	...	...	...	7	...	8
Travel and transportation of persons.....	...	-10	...	3	...	...	...	...	...	14	...	6
Rent, Communications and Utilities.....	...	-14	...	10	...	...	...	...	...	15	...	11
Standard Level User Charge.....	...	-6	...	12	...	...	...	...	...	8	...	14
Printing and Reproduction.....	...	...	...	2	...	...	...	...	...	10	...	12
Other Services.....	...	-15	...	200	...	...	...	...	...	15	...	200
Supplies and materials.....	...	...	...	4	...	-2	...	...	...	10	...	12
Equipment.....	...	-5	...	104	...	-4	...	...	...	5	...	79
Total workyears and obligations, 1982.....	-2	-141	6	484	-2	-48	...	-22	3	157	5	430

Office for Improvements in the Administration of Justice

Salaries and Expenses, General Administration

Summary of Requirements
(Dollars in thousands)

	Per- Pos.	Work- Years	Amount
1981 as enacted.....	33	31	\$1,307
1981 pay supplemental requested.....	...	...	68
1981 appropriation anticipated.....	33	31	1,375
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	17
Within-grade increases.....	...	...	11
Health benefits costs.....	...	...	2
Increased level pay change (SLAC).....	...	...	8
GS4 reclassification.....	...	...	1
Federal Telecommunications System (FTS).....	...	...	15
Travel costs - airfare increases.....	...	...	1
Departmental printing and reproduction costs.....	...	...	1
General pricing level adjustment.....	...	...	1
Total uncontrollable increases.....	...	...	5
1982 base.....	33	31	1,438

Adjustments to base and built-in changes:

	1980 Budgeted		1980 Actual		1981 Appropriation		1982 Base		FY 1982 Estimate		Increase/Decrease	
	Per- Pos.	Amount	Per- Pos.	Amount	Per- Pos.	Amount	Per- Pos.	Amount	Per- Pos.	Amount	Per- Pos.	Amount
Estimates by budget activity												
Program direction and policy coordination:												
Improvements in the Administration of Justice....	33	\$1,278	33	\$1,265	33	\$1,375	33	\$1,438	31	\$1,402	-5	...
Other Workyears												
Policy.....	...	...	...	...	...	...	...	...	...	...	...	...
Operations.....	...	...	...	...	...	...	...	...	...	...	...	...
Total comparable	...	...	...	...	...	...	...	...	...	...	...	...
Workyears.....	36	36	36	36	31	31	31	31	31	31	...	...

Office for Improvements in the Administration of Justice

Salaries and Expenses, General Administration

Justification of Program and Performance

Activity: Program direction and policy coordination

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Improvements in the Administration of Justice.....	33	\$1,375	33	\$1,438	28	\$1,402	-5	-\$36

Long-Range Goal: To develop measures, based on new research when necessary, to improve the accessibility, effectiveness, and quality of the nation's justice systems, civil and criminal, Federal and state, with special emphasis on the Federal courts.

Major Objectives:

To assure the continued quality of the level of Federal court Justice.

To implement the anticipated new Federal criminal code by helping develop better sentencing standards.

To continue research on costs of legal representation and to use findings to establish parameters and remedies.

Through research, to develop effective rules regarding release pending trial and supplementing the exclusionary rule.

To improve the judicial system's ability to deal with complex technical and scientific questions and widespread inquiries raising multitudes of small claims.

To find ways to reduce costs of handling high volume types of legal disputes by research and experimentation.

Base Program Description: The Office for Improvements in the Administration of Justice (OIAJ) operates with a staff of attorneys, research scientists, interns, and support personnel, headed by an Assistant Attorney General. This staff works closely with other units of the Department, other Federal agencies, the courts, and Congress to advance the Attorney General's goals of improving the capacities and performance of the courts, and to enhance citizen access to justice. In addition, the staff administers the Federal Justice Research Program, a Departmental program for the conduct of research relating to civil and criminal justice in the Federal system. The Program operates primarily through contracting for needed research.

The specific projects undertaken by OIAJ fall generally into three categories: developing and supporting the enactment of legislative improvements in the justice system; formulating recommendations for improvements within the Department of Justice; and designing, financing, and monitoring research efforts and demonstration projects related to these activities.

Accomplishment of this mission requires comprehensive analysis of the functions of the Department of Justice and the Federal and State Judicial systems. The Office staff maintains extensive contact with the legal activities of the Department, with members of the Federal and State Judiciary, and with academic experts and professional organizations concerned with the administration of justice. A vigorous effort is made to coordinate the work of OIAJ with that of similar, complementary organizations such as the Federal Judicial Center, the Administrative Office for U.S. Courts, and the National Institute of Justice, so that the newest and best ideas may be utilized and efforts will not be duplicated. The unique character of the OIAJ mission, however, stems from the fact that it is the only office within the Executive Branch which devotes its resources to the continuous, systematic support of the courts and the entire justice system.

Accomplishments and Workload: Quantitative data available on the past and projected accomplishments of this program are presented in the table below.

Item	Estimates		
	1979	1980	1981
Legislative proposals prepared.....	15	10	10
Legislative proposals amended.....	23	23	23
Research reports or analyses completed.....	21	20	20
Comments provided.....	40	25	25
Testimony written.....	14	10	10
Speeches written.....	10	10	10
Contracts monitored.....	19	15	20

Although the numbers shown above give a general idea of the workload handled by the program, for the most part, the performance of the Office for Improvements in the Administration of Justice, particularly at this early stage in its history, must be measured in qualitative terms.

Many of the items listed above as accomplishments are work outputs which have not produced, as yet, measurable improvements in the Federal justice system. The completed legislative proposals, for example, have great potential for improving the justice system and producing cost savings. None of these effects can be accurately measured, however, until the proposals are enacted. Therefore, the following narrative section is intended to provide a better idea of the scope of the OIAJ performance.

Completed Legislative Proposals

Two pieces of legislation in which OIAJ played a significant role were enacted during the past year--the Magistrate Act of 1979 and the Dispute Resolution Act. OIAJ is now working on the implementation of these programs.

A number of other bills developed by OIAJ are still pending before the Congress. These include bills on arbitration, class action, court improvements, diversity jurisdiction, and Supreme Court jurisdiction. The Office also has cooperated with the Congress in the development of legislation concerning the award of attorney fees, and the establishment within the judiciary of procedures for dealing with unfit judges.

A legislative proposal, drafted by OIAJ, to codify the major judicially-created exceptions to the final judgment rule, has been circulated for comment by the litigating divisions of the Department.

Other Major Projects and Studies

Staff members of OIAJ participated in the Department's 1980 reports to Congress describing some of the measures the Department is taking to implement the Speedy Trial Act, and detailing the impact of the Act's requirements.

The Office also continues to assist in the efforts of the Department and committees of the Congress toward enactment of a new Federal criminal code.

Members of the OIAJ staff are involved in the evaluation of an arbitration plan in force in three district courts and in the Attorney General's Task Force on the Use of Headly Force.

In conjunction with the Federal Justice Research Program, OIAJ is providing research and staff support for the Council on the Role of Courts, an advisory group which is conducting a two-year study of the role of state and Federal courts and their place in contemporary American society.

Department Policy/Management Projects

At the request of the Attorney General, OIAJ drafted a report for the Department to send to Congress on the need for an Inspector General in the Department. The report addressed the present functioning of the Internal Audit Staff and the Office of Professional Responsibility and reviewed the need for possible changes in the current approach.

On the basis of a study conducted by OIAJ of the prosecutorial policies and practices of U.S. Attorneys, the Office developed a proposed set of Principles of Federal Prosecution designed to promote the reasoned exercise of prosecutorial discretion by attorneys for the Government. These principles were promulgated by the Attorney General in July 1980.

OIAJ prepared a draft order for the Attorney General concerning coordination of the Department's response to proposed changes in the Federal rules of practice and procedure.

Congressional Testimony

OIAJ frequently prepares statements for submission to Congress in support of Departmental policies and legislative proposals. The Office members often appear to testify at hearings. Recent OIAJ testimony has addressed topics such as the performance of Inspector General functions within the Department, legislative proposals to establish a procedure within the judiciary to process and act upon complaints against Federal judges, the creation of a Court of Appeals for the Federal Circuit, and legislation that would substitute new statutory actions for class damage suits under Federal Rule 23(b) (3) and would improve access to the courts for small businesses.

Research Contract Administration

In 1979 the major contract on case-weighting for U.S. Attorneys was completed and the final report was issued. The project developed a case-weighting method for measuring and predicting finance and resource requirements for U.S. Attorneys' Offices based upon the characteristics of their caseloads. The method was used to plan the FY 1980 allocation of resources to those offices.

In 1980, two major contracts were completed. The project on the development of justice impact statements was completed in May 1980 with the issuance of a final report which included a sample impact statement on the abolition of diversity jurisdiction. A study of family and commercial disputes, conducted in conjunction with the Role of Courts project, was completed in August 1980.

Four other major contracts, which were awarded by competitive solicitation during FY 1978 and 1979, are moving toward completion. They provide for: the development of data to formulate and evaluate sentencing guidelines; an investigation of the costs of civil litigation; a study of the procedures used in releasing convicted defendants while appeals are pending; and a study of dual jurisdiction cases to improve the allocation of prosecutorial responsibility between Federal and state authorities. Technical monitoring and administration of these contracts is underway.

Program Changes: The 1982 request represents a decrease of five positions and \$36,000. The request is an attempt to reduce the 1982 budget where feasible.

Office of Legislative Affairs
Salaries and Expenses, General Administration
Summary of Requirements
(Dollars in thousands)

Summary of adjustments to base and built-in changes:

Summary of adjustments to base and built-in changes:														
1981 as enacted.....														
1981 pay supplemental requested.....														
1981 appropriation anticipated.....														
Uncontrollable increases:														
Amalgamation of 1981 pay increase.....														
Health benefits costs.....														
Standard Level User Charges (SLUC).....														
GSA recurring reimbursable services.....														
Federal Telecommunications System (FTS).....														
Travel costs - airfare increases.....														
Departmental printing and reproduction costs.....														
General pricing level adjustment.....														
Total uncontrollable increases.....														
1982 base.....														
1980 Enacted														
1980 Actual														
1981 Appropriation														
Anticipated														
1982 Base														
FY 1982 Estimate														
Increase/Decrease														
Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount
Pos.			Pos.			Pos.			Pos.			Pos.		
27	29	\$1,003	27	29	\$892	27	29	\$1,092	27	29	\$1,136	25	27	\$1,065
-27	-29		-27	-29		-27	-29		-27	-29		-25	-27	

Estimates by budget activity:
 Program Direction and
 Policy Coordination:
 Legislative Affairs.....

Other Workyears
 Holiday.....
 Overtime.....
 Total compensable
 workyears.....

Office of Legislative Affairs
Salaries and Expenses, General Administration
Justification of Program and Performance

Activity: Program direction and policy coordination

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Legislative Affairs.....	27	\$1,092	27	\$1,136	25	\$1,085	-2	-\$51

Long-Range Goal: To insure that the Department of Justice operates effectively with the Congress and the Office of Management and Budget to advance its legislative goals.

Major Objectives:

To develop a more coherent process for determining legislative policy.

To utilize more efficiently Departmental personnel who are engaged in developing and advocating legislative policy for Congress.

To improve the capacity for effective Congressional relations.

To improve the speed and usefulness of Congressional mail and telephone referral service.

Base Program Description: The Office of Legislative Affairs consults with cognizant Department officials concerning the need and desires of the Department which can be attained by legislation. It prepares, after consultation with the organizations in the Department, an annual legislative program for submission to and approval by the Attorney General. It participates in the drafting and review of the separate proposals within that program, and prepares submissions to the Executive Branch and to Congress. This involves solicitations, discussions, coordination and analysis of legislation proposed from the several offices, boards, divisions and bureaus, and consultation with the Executive Branch to insure integration with the Administration's total legislative program. It also means that extensive discussions must take place with interested outside groups and congressional committees so as to insure responsiveness of the Department's program to the concerns of society at large and receptivity by the Legislative Branch. Thereafter, the Office monitors the proposals and works with congressional members and staff to secure their enactment. In addition to preparation and management of the Department's legislative program, the Office must prepare legislative reports on approximately 1300 bills each year for submission to the Office of Management and Budget or to congressional committees.

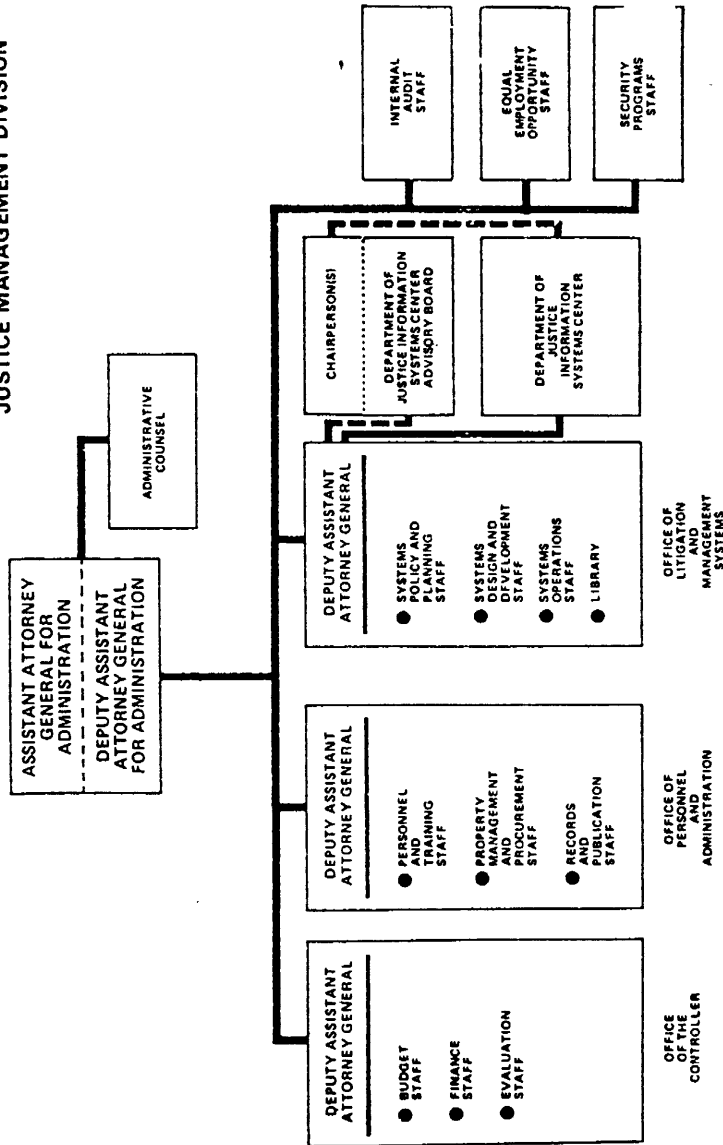
Each submission requires that the relevant offices, boards, divisions or bureaus inside the Department be consulted, their views collated, and a synthesized report on Departmental policy with respect to that bill be prepared. It may also require meeting with OMB representatives to work out interagency differences so as to present a unified Administration position to Congress. Finally, the Office must respond to approximately 280 enrolled bills which are sent to the Department for its views prior to submission to the President for signature or veto. These reports must be generally delivered within short time frameworks. In the case of enrolled bills, a 24-28 hour deadline is established. The Office is also in charge of identifying and arranging for the appearance of Departmental witnesses in approximately 200-250 congressional committee hearings every session. For each such hearing, it participates in the drafting, review and clearance of the testimony, monitors the hearing, and arranges for any follow-up materials that must be submitted for the record. In addition, Office representatives must attend committee markups and arrange for necessary materials to be provided to committees. The Office also disseminates a weekly legislative report on current hearings and activities in Congress throughout the Department, to U.S. Attorneys' offices and to the Executive Branch.

Finally, the Office acts as the Department's servicing arm for Congressional letters and phone inquiries of every kind. This involves up to 8,000 mail inquiries from Congress and an additional 10,000 telephone inquiries. Many of these letters and calls require hours of follow-up work to insure adequate responses. The Office also acts as an intermediary in time consuming negotiations involving requests made by oversight Congressional committees for disclosure of material in the files of other offices, boards, divisions or bureaus of the Department.

Accomplishments and Workload: Accomplishments of the Office of Legislative Affairs are reflected in the following table:

<u>Item</u>	<u>95th Congress</u>	<u>96th Congress</u>	<u>97th Congress</u>
Legislative requests disposed of:			
by report to Congressional committees.....	721	600	550
by report to OMB.....	1,524	1,592	1,500
by report to other sources.....	104	118	90
by deferral, Congressional Action, referral, etc.	638	961	1,131
Testimony:			
Hearings monitored and transcripts processed.....	390	409	400
Hearing Statements presented.....	390	409	400
Supplemental material provided.....	100	110	110
Inquiries processed:			
Congressional mail.....	13,000	11,119	11,200
Telephone.....	10,000	10,000	10,000
Technical assistance provided.....	728	780	728
Department legislative program:			
Enacted into Law.....	11	12	10
Approved by House/Senate.....	6	14	10
Approved by Committee.....	3	9	5

JUSTICE MANAGEMENT DIVISION



APPROVED: *John H. Shandfield* DATE: Dec. 1, 1960
 John H. Shandfield
 Associate Attorney General

Justice Management Division
General Administration, Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base and built-in changes

	Per- Pos.	Work- Years	Amount
1981 as enacted.....	445	473	\$17,619
1981 pay supplemental requested.....	..	..	..
Reprogramming from Associate Attorney General for Information Systems Center.....	..	..	..
1981 appropriation anticipated.....	445	473	\$17,619
Transfer of audit function from the Office of Justice Assistance, Research, and Statistics.....	70	57	3,466
Uncontrollable increases:			
Annulment of 1981 pay increase.....	..	..	225
Annulment of additional positions approved in 1981.....	..	..	27
Health benefits costs/Federal Employees' Compensation Act (FECA).....	..	..	125
Standard Level Base Change (SLBC).....	..	..	125
GSA recurring reimbursable services.....	..	..	125
Federal Telecommunications System (FIS).....	..	..	57
Travel costs - airfare increases.....	..	..	19
GPO printing costs.....	..	..	9
Printing costs for the Federal Register and the Code of Federal Regulations.....	..	..	..
Departmental printing and reproduction costs.....	..	..	..
General pricing level adjustment.....	..	..	..
Total, uncontrollable increases.....	..	..	1,270
1982 Base.....	530	550	\$23,738

	1980 Budget Per- Pos.	1980 Actual Per- Pos.	1982 Base Per- Pos.	1982 Estimate Per- Pos.	1982 Appropriation Per- Pos.
Estimates by budget activity	438	438	438	438	438
Program direction and policy coordination	438	438	438	438	438
Justice Management Division	438	438	438	438	438

	Per- Pos.	Work- Years	Amount
Justice Management Division	438	438	\$18,063
Program direction and policy coordination	438	438	\$18,063
Estimates by budget activity	438	438	\$18,063
1982 Base	530	550	\$23,738
1982 Estimate	530	550	\$23,738
1982 Appropriation	530	550	\$23,738

Justice Management Division
Salaries and Expenses, General Administration
Summary of Resources by Program
(Dollars in thousands)

	1980 as Budgeted			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount
Estimates by Program															
Police direction and															
Police coordination:															
Executive Direction	25	26	\$1,127	25	26	\$1,344	25	26	\$1,435	25	26	\$1,398	...	...	-437
and Control.....	208	224	7,285	208	224	7,782	208	224	8,236	217	232	9,356	9	8	1,120
Personnel and Administration	150	160	5,017	150	160	5,003	150	160	6,332	150	160	6,469	...	...	137
Management and Budget.....	34	36	2,082	34	36	2,197	36	51	3,033	57	52	4,340	1	1	1,307
Litigation & Management.....	21	22	1,251	21	22	1,212	21	22	1,133	21	22	1,194	...	...	150
Systems.....	430	468	16,772	430	468	16,733	430	550	27,738	550	566	28,463	20	16	2,725
Audit.....															
Total.....															
Other Workyears															
Holiday.....	2	6		2	6		2	6		2	6		...	...	...
Overtime.....															
Total compensable	476	476		491	491		558	558		574	574		16	16	
workyears.....															

Justice Management Division
General Administration, Salaries and expenses
Justification of Program and Performance
 Activity Resource Summary

Activity: Program Direction and Policy Coordination	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive Direction.....	25	26	\$1,344	25	26	1,435	25	26	1,398	...	...	-437
Personnel and Administration....	208	224	7,782	208	224	8,236	217	232	9,356	9	8	1,120
Management and Budget.....	150	160	5,974	150	160	6,332	150	160	6,469	...	...	137
Litigation and Mgmt. Systems....	56	51	2,819	56	51	3,033	57	52	4,340	1	1	1,307
Internal Audit.....	21	22	1,143	21	22	1,143	21	22	1,143	...	...	...
Total.....	480	483	19,662	530	550	23,738	550	566	26,863	20	16	2,725

The Program Direction and Policy Coordination budget activity includes resources for the direction and supervision of all activities and programs of the Department.

Executive Direction and Control..	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive Direction and Control..	25	26	\$1,344	25	26	1,435	25	26	1,398	...	...	-437

Long-Range Goal: To ensure that administrative support services are delivered to component units of the Department efficiently and effectively, that selected Department management activities are provided central direction and control, and that the management initiatives of the President, the Attorney General, and the Congress are implemented soundly and responsibly. This program also provides legal support to JMD in the support of its mission.

Major Objectives:

Oversee and supervise the operations of the Justice Management Division (JMD) and assure that JMD is properly staffed, funded, and organized.

Maintain communications with top-level policy decision-makers in the Department regarding management issues, advise Department leadership of attendant management and administrative ramifications, and ensure that all components within the Department have appropriate access and input into administrative/management decisions.

Serve as principal point of contact, as appropriate, for other Federal entities, including the Office of Management and Budget, the Office of Personnel Management, the General Accounting Office, and the authorization and appropriations committees of Congress.

Support or coordinate selected high priority projects, within JMD, that require quick turnaround and general knowledge of Division operations.

Perform the necessary document review and control operations for the Division to ensure that the materials which flow through the Immediate Office of the Assistant Attorney General for Administration (AAG/A) are properly routed and reviewed to conform to existing correspondence standards.

Maintain the quality and quantity of legal opinions in administrative/management areas.

Ensure the adequacy of the Department's Freedom of Information Act (FOIA) regulations and improve the Department's system for processing FOIA/Privacy Act (PA) requests.

Develop Department-wide policies and procedures for the implementation of Executive Order 12044 on regulatory reform.

Base Program Description:

Supervision of JMD operations is effected through a reorganized supervisory structure effected in October 1979. The reorganization created three cohesive groupings of Division staffs, each headed by a Deputy Assistant Attorney General (DAAG). Additionally, unusually sensitive areas of management responsibility areas such as the equal employment opportunity programs, the security programs, and internal audit are supervised directly by the AAG/A although their resources are included with the personnel and administration and audit programs. The Principal Deputy Assistant Attorney General for Administration acts for the AAG/A in his absence.

Communications within the Division are maintained through regularly scheduled meetings with the Division's 14 staffs and through meetings of the AAG/A with his deputies. Meetings are held with particular staff directors as specific problems arise. Weekly reports are required from each staff describing the week's accomplishments. These reports are reviewed by the AAG/A and his principal deputy, synthesized, and transmitted to both the Deputy Attorney General and the Associate Attorney General.

This program represents the Department on Interagency projects or assignments on selected management issues that require senior level participation. This unit serves as the principal point of contact for counterpart units in other Federal agencies, and maintains communication with selected consulting, research, professional, or educational organizations.

High priority and preemptive requests for information or services from JMD are handled by the staff assistants within the AAG/A's immediate office. These requests often require coordination across several staffs within JMD. Include tight deadlines and involve concurrence at the AAG/A level. The assistants also provide ongoing support to or coordination of selected activities and assignments within the Division.

Executive Direction and Control also provides legal and legislative advice on all administrative and management matters and reviews JMD's proposed responses to legislation, rules, and regulations affecting the Department.

Accomplishments and Workload

Item	1980	1981	1982
Incoming documents reviewed and referred	5,436	5,550	5,550
Signature documents reviewed	2,044	2,150	2,250
Responses to GAO reports coordinated	64	65	68
Written and oral legal opinions prepared	480	490	490
JMD legislative reports reviewed	150	150	150
Ethics in Government Act responses prepared	40	40	40
Percent of total Department FOIA/PA requests processed by Administrative Counsel	50	50	100

With regard to supervision, direction, and control of the Division, the quality of performance must be inferred directly from the quality and quantity of the Division's accomplishments as a whole. Measurable accomplishments include: producing four internal activity reports each week; coordinating the Department's response to 65 GAO reports; drafting for the Attorney General's consideration a proposal to establish an Office of Policy, Development and Assessment; reviewing and issuing 2,150 documents over the AAG/A's signature; and coordinating the response to 23 requests for comments on legislative matters.

It is important to note that this program continues to provide oral and legal opinions on administrative/management issues which involve the United States Marshal's Service, the Drug Enforcement Administration, the various United States Attorneys Offices, and the Office of Information Law and Policy.

Program Changes:

A minor restructuring of operations within this program has resulted in a net program reduction of \$37,000.

1981 Appropriation	1981 Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Personnel and Administration...	208	224	\$7,782	208	224	\$8,236	217	232	\$9,356	9	8	\$1,120

Long-Range Goal: To provide Department-wide policy direction and control in areas of energy conservation, personnel, training, procurement, facilities acquisition and maintenance, mail delivery, material management, records, printing, and graphics; to provide direct administrative support to the Department's smaller organizations; to provide for the security, safety and health of Departmental personnel, the safeguarding of DOJ property and information, and to ensure the continuity of government in wartime national emergencies, and to reduce the degree of under-representation which currently exists in the Department's employment of women, minorities and handicapped individuals and to incorporate equal employment opportunity into the mainstream of the Department's management program.

Major Objectives:

- Provide staff support and labor relations negotiating leadership to the Bureaus to maintain a unified approach to labor-management relations in the Department and handle all litigation at the Federal Labor Relations Authority level.
- Provide Department-wide oversight, guidance, and assistance on the implementation and administration of the merit pay system.
- Develop and implement training and developmental programs in the areas of the Senior Executive Service.
- Develop a clearly defined records system readily accessible to DOJ personnel while ensuring that all records are maintained in the most efficient and economical manner; improve the responsiveness, flexibility and economy of mail delivery.
- Provide space and facilities planning and projected space requirements for the OGD's and Bureaus.
- Provide for the formulation, issuance, and implementation of Department-wide policies concerning energy conservation, property, transportation, motor vehicle management, ride-sharing, parking, and audiovisual services.
- Continue to develop and implement orders and directives on the Civil Service Reform Act of 1978 (CSRA) and other new legislation or program initiatives.
- Assure implementation of major EEO policy initiatives of the Attorney General, Office of Personnel Management (OPM) and Equal Employment Opportunity Commission (EEOC).
- Assist officials to process and adjudicate allegations of discrimination.
- Monitor affirmative action, Black Affairs, Hispanic Employment, Federal Women's and Selective Placement programs.

Develop and implement policy and procedures for emergency preparedness functions and responsibilities and to develop formal plans, emergency operating procedures and readiness instructions.

Oversee the adjudication of personnel security background investigations.

Develop and publish DOJ orders and comprehensive security manuals specifying the safeguarding and handling of National Security Information.

Establish a formal program of safety and health inspections of headquarters and field activities, and publish Department policies and standards for implementing Occupational Safety and Health Act laws and regulations.

Establish Department policy and requirements for ADP/Telecommunications security.

Establish a formal communications security program to protect both national security classified and sensitive communications between Department components.

Establish a classified information courier system to provide for timely security delivery and receipt of classified information between Department components and other agencies.

Establish, in conjunction with the FBI and the U.S. Foreign Intelligence Surveillance Court (FISC) effective procedures to ensure the security of the activities of the FISC, the associated common carrier personnel and documents involved.

Base Program Description: This program is composed of the Personnel and Training Staff, Property Management and Procurement Staff, Records and Publications Staff, Security Programs Staff and the Equal Employment Opportunity Staff.

Depending upon the nature and significance of the activity, methods and procedures range from quick research and a telephone response to a large scale research effort, coordination with other agencies and bureaus, development of position papers, and establishment of Departmental orders for bureau level implementation. An additional method of accomplishing the objectives involves case processing, grievance or appeals submitted for decision at the Departmental level; including union contracts, major procurement contracts, high level awards, upgrade or SES action requests. Operational support for the OEO's is provided on a day-to-day basis by each of the staffs through various servicing arrangements.

Equal Employment Opportunity objectives are implemented through a network of affirmative action managers, EEO counselors and investigators, special emphasis program managers (Federal Woman's Program, Black Affairs Program, Selective Placement Program and Hispanic Employment Program), volunteer representatives, and EEO officers throughout the Department. Through this network of program officials, the EEO staff accomplishes the Department's EEO mission.

The Security program objectives are accomplished within each submit by security specialists who determine priorities and time frames for the completion of projects. Work conforms to overall policies and directives of the Department, Executive Orders, and other agency directives; interagency agreements are formulated to meet objectives; and contacts are maintained with top level agency officials on problems of unusual complexity or sensitivity. The Security Staff

participates on task forces to assist in the development of national level security and emergency preparedness policies. The security, safety and emergency preparedness programs are implemented through full or part-time Security Programs Managers and safety/health officers in the OOD's and Bureaus who receive policy guidance from the Department Security Officer.

Accomplishments and Workload

Item	1979	1980	Estimated	
			1981	1982
Mail read/referred.....	75,600	143,108	150,000	157,000
Mail Dispatched.....	2,500	6,680	7,000	7,300
Directives Processed.....	...	968,000	1,016,000	1,067,000
Training Programs Established.....	1,976	899	1,000	1,500
Personnel Actions Processed.....	9	9	9	10
Classification Actions Processed.....	11,000	11,750	11,750	11,750
In-House Training Instances.....	1,700	1,900	1,900	1,900
FLRA Case Representation.....	2,500	3,000	3,000	3,000
Inventory Transactions.....	...	70	90	125
Warehouse Deliveries Made.....	37,500	50,000	50,000	50,000
Work Authorizations Processed.....	1,932	1,925	2,100	2,200
Space Layouts Prepared.....	625	800	800	1,000
Contract Requirements.....	450	475	475	475
Small Purchase Requests.....	183	225	240	240
Contracts Reviewed.....	3,557	3,650	3,650	3,650
Management Studies.....	...	...	...	500
Employment suitability cases processed.....	...	...	...	2
National Security Information cases processed.....	5,455	5,500	5,450	5,500
NSI/SCI Documents Processed.....	1,151	1,100	1,100	1,100
Clearance Certifications Conducted.....	2,200	2,800	3,200	3,500
Bureau EEO programs reviewed.....	932	1,000	1,000	1,000
Counseling Sessions.....	...	35	38	50
Formal Complaints assigned.....	...	343	350	500
	...	40	42	55

In January 1980, the Department was awarded the Ribicoff/Percy Award for excellence in Civil Service Reform Implementation for, among other things, developing the Department's Merit Pay System and Senior Executive Service programs.

Developed, in concert with Bureau representatives, a 10-year Energy Conservation Plan for buildings.

Designed a new Property Management System to maintain accountability of over 35,000 items valued at over \$15 million.

Conducted a major review of procurement activities in one of the Department's bureaus. This review involved all contracts over \$10,000 awarded over the last 3 years.

Acquired several additional blocks of space for the Department including: 26,000 square feet at Bailey's Crossroads, 20,000 square feet in downtown Washington, and 40,000 square feet in Northwest Washington. Purchased an additional 76,000 square feet for the Bureau of Prisons in the Washington metropolitan area and an additional large block of space in Baltimore.

During FY 1980 the Security Program Staff processed all National Security Information/Sensitive Compartmented Information documents received for delivery; conducted 16 security inspections (one-third of the required number); 5 safety and health inspections (one-fourth the required number); issued 5,000 DOJ credentials; conducted 35 security awareness briefings; and participated in several joint civil and defense preparedness exercises. In addition a Special Security Center and a Program for the Protection of Sensitive Compartmented Information and for the support of the U.S. Foreign Intelligence Surveillance Court were established.

Program Changes:

Increases of 9 positions and \$1,120 are requested for fiscal year 1982 for the personnel and administration program.

Three positions and \$150,000 are needed to establish a Contract Review Committee. The capacity to make contract awards has been delegated in its entirety to the Bureau. The Department does not currently have the kind of Department level review which will assure quality procurements and provide technical assistance in difficult procurement situations. Three positions and \$112,000 are to handle requests for litigation support at the Federal Labor Relations Authority. JMO is now required to provide support to the Civil Division on cases and issues appealed to the Federal courts. JMO is unable to keep up with increased union activity in the Department. As a result, unions are gaining more favorable interpretations of labor laws which result in increased administrative negotiations and increased legal suits. Three positions and \$161,000 are requested to assist the Department in implementing guidelines for employee selection and enhancing Black Affairs and Hispanic employment programs.

\$637,000 is requested for equipment, training and special studies, including special secure telephone devices, a necessity for the security program to communicate with the U.S. intelligence community.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease						
	Pos.	WF Amount	Pos.	WF Amount	Pos.	WF Amount	Pos.	WF Amount					
Management and Budget.....	150	160	150	\$5,974	150	160	\$6,332	150	160	\$6,469	\$137

Long-Range Goal: To increase the effectiveness and efficiency of program delivery through improved program and financial management, budgeting, program evaluations, and management assistance studies.

Major Objectives:

Provide Departmental policy oversight and coordination of the appropriation and authorization processes for all Department organizations.

Conduct reviews of all Department organizations, budget estimates, operating plans, and actual expenditures to ensure support of Departmental, Presidential and Congressional policy initiatives on a timely basis.

Provide the AMG/A with the advice necessary to formulate policies and plans for efficient administrative management and organization, and to conduct or coordinate all management studies and program evaluations.

Formulate, monitor and coordinate Department-wide policies, plans and procedures for program evaluation and management assistance studies.

Improve the quality of financial planning and resource use analyses through the full implementation of automated program and budget execution monitoring systems which include automated support systems for producing OMB and Congressional budget submission materials.

Continue to increase the effectiveness of the direct accounting support provided to the OBD's by eliminating LAGA accounting system deficiencies with particular emphasis on linking the LAGA accounting system to other management control systems.

Review, update and develop, as needed, Departmental orders covering financial policy and procedures.

To evaluate all Bureau accounting systems to ensure their compliance with Department and General Accounting Office standards and Office of Management and Budget and Congressional regulations.

Base Program Description: The Management and Budget program accomplishes its objectives through the Budget Staff, Finance Staff and the Evaluation Staff. The Budget Staff reviews Department organizations' program plans, budget estimates, appropriation and authorization requests to ensure that these activities are meeting Congressional, Presidential, and Department policy initiatives. An additional responsibility is to support the Department's annual authorization process. A control operations group reviews all of the Department's technical budget schedules and budget summary material for transmittal to OMB and the Congress.

The budget review process, besides providing an assessment of organizations' needs, affords top management the opportunity to identify, on a Department-wide basis, evaluation issues that should be addressed prior to the next budget cycle. In this way, the activities of the Budget Staff and the Evaluation Staff complement each other.

As the principal advisory staff to the AAG/A on evaluation and organization management matters, the Evaluation Staff accomplishes its responsibilities through program evaluations, management assistance studies, and analyses of all reorganization proposals. The agenda of studies and evaluations to be conducted is established and/or approved by top management, either through the Department budget process or by direction as the need for analysis arises. These studies may be performed exclusively by the Evaluation Staff, jointly with other Department organizations, by other Department organizations whose activities are then monitored by the Evaluation Staff, or through outside consultants.

While the Evaluation and Budget Staffs provide important management tools for assessing the relationship between program effectiveness and use of resources, the Finance Staff maintains the financial reporting systems necessary to carry out statutory, administrative, and other mandatory fund controls.

The Finance Staff provides financial management information, instructions, and procedures to assist OBD's and USMS management in exercising fund control of their organizations. In recent years ADP improvements in the OBD accounting system have enhanced users' management information reports from the accounting system. Comprehensive accounting control also includes the processing of OBD and USMS voucher examinations, payment certifications, disbursement for travel and other miscellaneous vouchers on a centralized basis. The Finance Staff also conducts post implementation accounting system reviews and formulates financial management policies.

Accomplishments and Workload:

Item	Estimates		
	1979	1980	1981
Budget Submissions.....	84	84	84
Operating Plans Reviewed.....	132	132	132
Financial Reports Analyzed.....	528	528	528
Funds Status Reports Prepared.....	472	472	472
Program Evaluations.....	...	7	10
Management Studies.....	...	3	4
Vouchers Audited.....	108,000	109,000	107,000
Vouchers Paid.....	177,000	192,000	190,000
Financial Systems Reviewed.....	4	4	4

Participated with the Deputy and Associate Attorneys General in the preparation of the Attorney General's annual policy and program guidelines letter.

The Evaluation Staff completed several studies during FY 1980 including: a manpower allocation study to develop a work measurement system for the U.S. Marshals Service; a feasibility study on transferring litigation functions of the U.S. Railway Association (USRA) to the Department of Justice; a motor vehicle fleet allocation study for the USMS; a study of the feasibility of consolidating INS' lawyering functions; a study of the Drug Enforcement Administration's (DEA)

training program to determine the practicability and cost-effectiveness of consolidating its activities with those of FLETC in Glynn, Georgia; a study of a case weighting system for the U.S. Attorney, and a study of ESO complaint processing. An employee parking fee collection system was designed, and implemented. A system was also designed and implemented to reimburse financial institutions for financial information furnished under the Right to Financial Privacy Act of 1979. The newly established U.S. Trustee accounting requirements were fully integrated into the centralized accounting operations. Steps were taken to improve cash management and debt collection procedures, including the development of an automated procedure for aging accounts receivable. The Antitrust Division and Library were successfully converted to the FMS obligation module. Accounting Systems of four major organizations, including DEA and FBI, were reviewed. GAO approval was acquired for the LEA education program accounting system. The Financial Management Information System was significantly enhanced and the number of users have increased to 11 Department organizations.

Program Changes:

An increase of \$137,000 is requested to complete development of the Obligation Control Module IV of the Department's Financial Management Information System. The system, which is still in a prototype stage, will result in a changeover from the "Inventory" to the "continuous" method of accrual accounting and an upgrading of the budget and planning process. For FY 1983 the system will become operational and will be expanded to include all Offices, Boards and Divisions. Due to the anticipated increase in the number of users, operational costs will increase.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Litigation Management Systems...	56	51	\$2,819	56	51	\$3,033	57	52	\$4,340	1	1
											\$1,307

Long-Range Goal: Effect major improvements in the Department's automated information management activities and provide a comprehensive information retrieval network to meet the research needs of the Department.

Major Objectives:

- To establish a comprehensive long-range planning process for information systems.
- To analyze budget and procurement requests relating to information systems and to review selected systems for effectiveness.
- To provide a comprehensive information retrieval network that will meet the research needs of the entire Department.
- To develop and maintain specialized reference collections directly related to the mission of the legal divisions.

To provide timely cataloging and classification of publications currently received by the Main Library System.

To complete conversion of DOJ card catalog to machine-readable form and implement an on-line catalog suitable for full-text searching.

Design, develop, implement and maintain a departmental system which will facilitate the aggregation, analysis and reporting of case data developed by the legal divisions and the United States Attorneys offices.

Design, develop, implement and maintain a system to provide information on all civil litigation in which the government is a party or has a significant interest.

Design, develop, implement and maintain a system to provide automated legal research to all Federal law offices, on a reimbursable basis.

Formulate Departmental policy for all of the legal divisions and the United States Attorneys to follow in development and operation of their litigation case management and tracking systems.

Base Program Description: The Litigation and Management Systems Program is operated through the Systems Policy and Planning Staff, the Library Staff and the Information Systems Center. The Systems Policy and Planning Staff formulates Department policies and objectives regarding information and communications systems, reviews Departmental data processing budget forecasts, approves selected procurement actions, and formulates and maintains Department standards governing the design, development and operation of information and communications systems.

The Library provides telephone and in-person reference assistance. Currently, primary assistance is given in using the collection and in limited searching of the data base. Materials are currently loaned from the collection and charged out in a manual system.

In the Division Libraries, research and reference assistance, limited database searching, and collection development and maintenance are the responsibility of the staff of each Division Library. Very limited legislative history compilation is currently being done. A manual system of processing interlibrary loans is maintained.

In the Technical Service Branch, a two fold strategy has been employed to accomplish the Main Library's technical processing objectives. The Library System has joined existing cooperative efforts in order to share resources with other libraries and has taken advantage of computer technology by automating services whenever possible.

The Cataloging Section currently utilizes services available from DCLC, Inc., an on-line data base composed of more than five million catalog records. The Acquisitions Section currently utilizes automated services available through DATA LIB, a data base cooperatively planned and implemented by several Federal agencies.

Through the use of attorney advisors and computer personnel the Information Systems Center is developing and implementing a government-wide litigation notice system. The Center is developing procedures for the systematic collection of case information. The center is also coordinating the development of an Automated Legal Research System for use by all Federal agencies.

Accomplishments and Workload:

Item	Estimates			
	1979	1980	1981	1982
Library materials loaned.....	...	744	4,200	1,500
Interlibrary loans.....	...	840	1,200	1,500
Circulation materials.....	...	13,000	16,000	20,000
New titles cataloged.....	419	1,504	2,500	2,400
ADP budgets reviewed.....	28	28	28	28

The Systems Policy and Planning Staff reviewed and analyzed all budget submissions in the information and communications systems area, and provided all technical analyses and recommendations pertaining to ADP for the 1981 budget. The staff provided management support for the evaluation performed by the Jet Propulsion Laboratory to determine the operational, economic, and technical feasibility of the FBI's Automated Identification Division System III (AIDS III). They also assisted the Office of Technology Assessment (OTA) during its study of the National Crime Information Center/Computerized Criminal History System (NCIC/CCHS). The Systems Policy and Planning Staff is participating in the development of a litigation management system for the Department.

During the past year, several important services have been instituted in the Library including: full time reference service, messenger service for the interlibrary loan pickup, additional evening hours service, and data base searching. In addition the collection was strengthened significantly by the addition of new publications in both hard copy and microform.

Program Changes: An increase of 1 position and \$1,307,000 is requested to enhance the Library's support to the litigating divisions. The position will permit increased research and reference capacity to aid attorneys. The funds will be used primarily to allow increased utilization of automated information banks, improve the case collection of non-circulating materials, allow the completion of an automated acquisitions system, the purchase of new and replacement shelving and the conversion of materials into machine readable form.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Audit.....	21	22	\$1,143	91	89	\$4,702	101	96	\$4,900	10	7
											\$198

Long-Range Goal: To independently and effectively review the operations and programs of the Department.

Major Objectives: Provide the Attorney General with audit reports which identify and focus on areas where significant improvements in managing the resources and programs of the Department can be accomplished.

Base Program Description: Audit reviews are generated by a number of sources, including suggestions from OMB and the Congress, suggestions from the GAO, and survey activities of the staff. The Internal Audit Staff meets with the leadership of the organization being audited to explain the purpose of the audit, the procedures that will be used, and the staff that will be involved. There is also a post-audit conference during which the staff informs the agency being audited of its findings and recommendations and seeks agency comment. Recently IAS streamlined its operations by eliminating one layer of review and acquiring more effective word processing equipment.

The 1982 budget also provides for the Office of Justice Assistance, Research, and Statistics' (OJARS) Office of Audit and Investigation to be transferred to the Justice Management Division (JMD) and consolidated with JMD's Internal Audit Staff. Although OJARS' major grants programs are no longer receiving funding, there are estimated over 750 categorical grants and contracts that will have to be audited and "closed out" during 1982. A major portion of the available audit resources will be necessary to perform final "close out" audits. In addition to the "close out" activities, the remaining OJARS' programs such as Juvenile Justice, National Institute of Justice and the Bureau of Justice Statistics will continue to require audit services.

Accomplishments and Workload:

Item	1979	1980	Estimates	
			1981	1982
Departmental audits.....	57	41	32	49
Special reports.....	8	10	10	12
Audit Reports Issued (State and Local Grants).....	(698)	(425)	(490)	510

The Internal Audit program does not, by its nature, lend itself to the input and output analysis. The workload reflects the annual audit plan. This plan identifies activities and programs which may be audited during the fiscal year within the constraints of available professional workyears. The annual audit plan is developed at a level in excess of known resources to accommodate for deferrals that may be made because of unforeseen circumstances. During FY 1980, the staff conducted 41 Departmental audits, 17 Federal Prison Industries audits, and issued 10 special reports.

Program Changes:

An increase of 10 positions and \$198,000 is requested for the audit program to more fully support the Department's Office of Professional Responsibility and to implement the high priority placed on detecting and eliminating fraud, waste and abuse in government programs. In addition, the pending Financial Integrity Act mandates annual certification of systems of internal control for all agencies. This act will create new workload for Internal Audit.

1/ Workload data for 1979, 1980 and 1981 are applicable to the Office of Justice Assistance, Research, and Statistics.

Justice Management Division
Salaries and expenses
Financial Analysis - Program Increases
(Dollars in thousands)

Item	Program Direction and Policy Coordination						Total	
	Executive Direction and Control	Personnel & Administration	Management and Budget	Litigation & Management Systems	Audit		Pos.	Am.
Grades	Pos.	Pos.	Pos.	Pos.	Pos.			
GS/GM-17.....	-1	-50	...	...	...	...	-1	-\$50
GS/GM-15.....	...	...	...	...	...	...	3	123
GS/GM-14.....	...	...	...	...	...	...	3	114
GS/GM-13.....	...	...	...	...	...	...	3	90
GS/GM-11.....	...	...	...	...	...	...	3	67
GS/GM-9.....	...	...	...	...	...	...	3	54
GS/GM-8.....	-1	-15	...	...	...	...	-1	-15
GS/GM-7.....	1	14	...	...	...	...	6	89
GS/GM-4.....	1	10	...	...	...	...	1	10
Total positions and annual rate.....	...	...	...	...	...	...	20	482
Lapse (-).....	...	...	...	...	...	...	-4	-74
Total workyears and personnel compensation.....	...	...	...	...	...	...	16	408
Personnel benefits.....	...	...	...	...	...	...	36	85
Travel and transportation of persons.....	...	...	...	...	...	...	8	25
Rent, Communications and Utilities..	...	...	...	...	...	...	2	22
SLUC.....	...	...	...	...	...	...	9	1,199
Printing.....	...	...	...	...	...	...	2	46
Other Services.....	...	...	...	...	...	...	2	896
Supplies and materials.....	...	...	...	...	...	...	...	...
Equipment.....	...	...	...	...	...	...	...	...
Total workyears and obligations, 1982.....	...	...	...	...	...	...	16	2,725

Office of the Pardon Attorney
Salaries and Expenses, General Administration
Summary of Requirements
(Dollars in thousands)

Adjustments to base and built-in changes:

	Perm. Pos.	Wor- kyears	Amount
1981 as enacted.....	10	11	\$327
1981 pay adjustment requested.....			316
1981 appropriation anticipated.....	-10	-11	385
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	4
Within-grade increases.....	...	...	4
Health benefits costs.....	...	...	3
Standard Level User Charges (SLUC).....	...	...	1
GSA recurring reimbursable services.....	...	...	5
Federal Telecommunications System (FIS).....	...	...	1
Travel costs - airfare increases.....	...	...	3
CFO printing costs.....	...	...	1
Department printing and reproduction costs.....	...	...	1
Total uncontrollable increases.....	-10	-11	385
1982 base.....			

	1980 Enacted			1980 Actual			1981 Appropriation			1982 Base			FY 1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Estimates by budget activity																		
Administrative review and:																		
appeals:																		
Pardon Attorney.....	10	11	\$331	10	11	\$323	10	11	\$365	10	11	\$388	8	9	\$302	-2	-2	-\$86
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable																		
workyears.....	11	11		11	11		11	11		11	11		9	9		-2	-2	\$7

Office of the Pardon Attorney
Salaries and Expenses, General Administration
Justification of Program and Performance

Activity: Administrative review and appeals	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Pardon Attorney.....	10	11	\$365	10	11	\$388	8	9	\$302	-2	-2	-\$86

Long-Range Goal: To provide the President with the best information available upon which to base a fair and just decision for clemency.

Major Objectives:

To receive, process and investigate all clemency applications.

To prepare the Deputy Attorney General's recommendations to the President.

Base Program Description: There are two major types of Executive clemency petitions, namely pardon after completion of sentence and commutation of sentence. The pardon process commences with the submission of a formal petition addressed to the President, together with a personal oath and three character affidavits, requesting a pardon. A comprehensive financial statement also is required of those petitioners seeking a remission of fine. Upon receipt the petition is docketed and an acknowledgment is sent to the petitioner or his attorney. Pardon applications customarily are referred to the Federal Bureau of Investigation (FBI) to conduct a background investigation, the scope and duration of which may vary in each case. Review of petitions seeking a commutation of sentence initially is limited to relevant Bureau of Prisons and pre-sentence reports. Within one or two weeks of the receipt of the FBI investigative reports or, in commutation cases, the relevant inmate files, the Pardon Attorney reviews the reports to determine whether favorable consideration may be warranted. If further consideration is deemed appropriate, the memoranda are prepared soliciting comments and recommendations from the sentencing Judge and United States Attorney. These officials are generally given 60 days within which to reply. Other concerned Government agencies (e.g. Internal Revenue Service in tax evasion cases, Department of Defense in military cases, Bureau of Alcohol, Tobacco and Firearms for firearms violation, etc.) also are consulted. The Assistant Attorney General, Criminal Division, or the appropriate Strike Force Chief, is usually consulted in those cases involving suspected organized crime figures or former Justice Department attorneys, and the Drug Enforcement Administration is consulted in narcotics law violation cases. The views of the Director, Bureau of Prisons, also customarily are obtained before the commutation of an inmate's sentence is recommended.

After the relevant reports are received, doubtful cases may be circulated among office attorneys for discussion and recommendation before the Pardon Attorney determines whether the case will be presented favorably or unfavorably and directs preparation of an appropriate report by a staff attorney. A period of a few days to several weeks may elapse between classification of the case and preparation of the denial report or favorable letter of advice, depending upon the general case and correspondence workload and other assigned duties. A further delay of a few days may ensue before a draft is typed and returned to the staff attorney, who makes necessary modifications and forwards it to the Deputy Pardon Attorney. The latter reviews the case file and may make appropriate changes in style or substance in the letter of advice or denial report. The letter or report is then retyped in final form and again reviewed by the staff attorney and the Deputy Pardon Attorney, who then submits it to the Pardon Attorney for further review and approval as to form and substance. After completion of the above procedures on a number of cases, a group of them is forwarded to the Office of the Deputy Attorney General, where the cases again may be reviewed. The Deputy Attorney General then signs the letters or reports and returns the cases to the Pardon Attorney for forwarding to the White House Counsel's office. Later a group of favorable recommendations is forwarded to the master warrant of pardon which lists the names of the applicants recommended for favorable action. The master warrant is then signed by the President and returned to the Pardon Attorney who in turn notifies the applicant and other interested parties. An individual warrant evidencing the President's action is prepared for each grant. In those cases in which denial has been recommended, the denial reports also are forwarded through the Deputy Attorney General to the White House. Occasionally, the Pardon Attorney may be asked to reconsider a recommendation or develop additional facts. In such cases the letter or report is then returned to the Office of the Pardon Attorney where it is held until the additional information is obtained and incorporated.

Accomplishments and Workload: Accomplishments of the Office of the Pardon Attorney are presented in the following table:

Item	Estimates		
	1979	1980	1981
Grants of pardon	143	200	225
Grants of commutation	10	15	25
Denials and no actions	448	500	500
Correspondence sent out	16,017	13,000	14,000
			12,000

Program Changes: The requested decrease of 2 positions and \$85,000 will enable the Office of the Pardon Attorney to continue its quality of output while maintaining its current level of on-board employment in 1982.

Board of Immigration Appeals
Salaries and Expenses, General Administration

Summary of Requirements
(Dollars in thousands)

	Per- Pos.	Work- Years	Amount
<u>Adjustments to base and built-in changes:</u>			
1981 as enacted.....	41	41	\$1,533
1981 pay supplemental requested.....	41	41	19
1981 appropriation anticipated.....	41	41	1,612
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	20
Within-grade increases.....	...	...	10
Step increases.....	...	...	12
Special pay (SAP).....	...	...	1
GS4 recruiting telephone service.....	...	...	1
Federal Telecommunications System (FTS).....	...	...	12
Travel costs - airfare increases.....	...	...	1
GPO printing costs.....	...	...	3
Departmental printing and reproduction costs.....	...	...	4
General pricing level adjustment.....	...	...	9
Total uncontrollable increases.....	41	41	80
1982 base.....	41	41	1,692

	1980 Enacted		1980 Actual		1981 Appropriation		1982 Base		FY 1982 Estimate		Increase/Decrease	
	Per- Pos.	WT	Per- Pos.	WT	Per- Pos.	WT	Per- Pos.	WT	Per- Pos.	WT	Per- Pos.	WT
Estimates by budget activity	41	41	41	41	41	41	41	41	41	41	...	...
Administrative review and appeals:												
Immigration appeals.....	41	41	41	41	41	41	41	41	41	41	...	...
Other Workyears												
Salary.....	...	...	...	...	...	...	...	...	...	...	...	...
Benefits.....	...	...	...	...	...	...	...	...	...	...	...	...
Total compensation.....	41	41	41	41	41	41	41	41	41	41	...	...
Workyears.....	41	41	41	41	41	41	41	41	41	41	...	...

Board of Immigration Appeals

Salaries and Expenses, General Administration

Justification of Program and Performance

Activity: Administrative review and appeals	1981 Appropriation Anticipated			1981 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY Amount
Immigration Appeals.....	41	41	\$1,612	41	41	\$1,692	41	41	\$1,692	...	...

Long-Range Goal: To provide nationally a uniform interpretation and application of immigration law and administratively review and adjudicate any increase in workload.

Major Objectives:

To continue to maximize the output of administrative case law.

To provide additional guidelines for the uniform interpretation of immigration laws.

To control representation of organizations and accreditation of individuals to practice before the Immigration and Naturalization Service and the Board.

To improve the professional competence of staff attorneys through an in-house training program, special assignments, and selected university courses and to increase the effectiveness of the Board's clerical and support staff to meet the additional burdens imposed by the increasing caseload and administration.

Base Program Description: The Board hears appeals from certain decisions of the Immigration and Naturalization Service in a wide variety of proceedings with which the Government of the United States, through INS, is one party and the other party is an alien, a citizen or a business firm. The Board is called upon to exercise its independent judgment in hearing appeals for the Attorney General. The cases reaching the Board consist of appeals from decisions rendered by Immigration Judges and District Directors, involving formal orders of deportation, discretionary relief from deportation, exclusion proceedings, claims of persecution, stays of deportation, bond and detention, petitions for preference, immigration status for alien relatives of the United States citizens and permanent resident aliens, and administrative fines imposed upon carriers because of violation of the immigration laws. The Board also renders decisions on organizations that have applied for recognition and individuals that have been designated for accreditation by the recognized organizations.

Accomplishments and Workload: Accomplishments of the Board of Immigration Appeals are presented in the following table:

Items	Estimates			
	1979	1980	1981	1982
Appeals, Motions and Petitions:				
Pending beginning of year/period				
Received	921	1,145	1,159	1,174
Disposed of	2,934	3,203	3,353	3,363
Pending end of year	2,710	3,189	3,348	3,348
Total number of	1,145	1,159	1,174	1,189
Issues treated in				
Board Orders	3,255	3,456	3,369	3,369
Oral Arguments heard				
by the Board	287	249	261	261
Recognition (Organizations)	36	27	28	28
Accreditation (Individuals)	43	61	64	64

Federal Justice Research Program
Salaries and Expenses, General Administration
Justification of Program and Performance

Activity: Federal Justice Research Program	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
	\$1,400	...	...	\$1,508	...	...	\$1,808	...	...	\$300

Long-Range Goal: To provide sound, effective research in support of proposals to improve the administration of justice and to provide the Attorney General and the Department with a systematic, empirical research capability.

Major Objectives:

To describe Federal investigative activities and procedures, and to determine empirically the degree to which investigative agencies adhere to established guidelines.

To examine Federal litigative activities and procedures in an effort to control costs and improve prosecution strategies.

To investigate several of the fundamental problems of justice and develop firm data for use in problem solving.

To improve the functioning of the courts and the judiciary.

To support special Departmental management and research initiatives.

Base Program Description: The Federal Justice Research Program (FJRP) is a Departmental program for conducting research relating to Federal civil and criminal justice in the United States. Administered by the Office for Improvements in the Administration of Justice (OIAJ), the FJRP provides the Department of Justice with a research capability to study and assess problems with a view to developing sound information as a basis for legislative and administrative initiatives to improve the Federal Justice system.

FJRP projects cover a broad range of problems related to the administration of justice, all of which are of major national concern. The program reflects the Attorney General's recognition of the need to approach improvements in civil and criminal justice through experimentation, research, and evaluation.

Research projects to be undertaken by the FJRP are derived from policy objectives articulated by OIAJ and from a long-range agenda which supports the goals of the Office. In some instances, requests for research support are received from other organizations in the Department. These are considered for inclusion in the program in the context of present and future priorities and resources. Each project produces a specific end product, frequently including proposals for legislation.

Federal Justice Research funding is "no-year" funding used strictly to procure research via negotiated contracts. Major procurements under the program typically are competitively awarded using requests for proposals. This process accounts for approximately 80 percent of the funds obligated under the program. The second mode of contracting is the small awards program which funds short-term projects by individual investigators designed to provide research on more narrowly defined policy questions.

Because FJRP is a research program involving the use of negotiated contracts, constant coordination is required to avoid duplication of research efforts and ensure that research results will be useful to the broad justice community. Mechanisms ensuring this coordination are the Federal Procurement Regulations, Departmental regulations, a vigorous program to disseminate the results of the research to all interested parties, and continued contact with other Departmental research programs.

The clientele served by the Federal Justice Research Program are, in a strict sense, the Attorney General, the Department of Justice, the staff of the Office for Improvements in the Administration of Justice, the Federal bench, and the Federal Justice research community. In a broader sense, the clientele are the American people who benefit from the improvements in the administration of justice which the program supports.

The specific projects currently planned for 1982 with the requested level of funding are as follows:

1. To develop white collar crime prosecution strategies based upon the results of a survey project on white collar crime.
2. To improve procedures for collecting fines and judgments by U.S. Attorneys.
3. To develop a means to assess the relative total costs of criminal activity in this country, yielding data to better allocate law enforcement resources.
4. To design and test the alternative procedures for handling civil cases in Federal courts suggested by the cost of civil litigation research project.
5. To develop a method of resource allocation for investigative activities in light of Departmental guidelines.

6. To conduct research in response to the recommendations for the Council on the Role of Courts.
7. To improve procedures for processing Federal appellate cases.
8. To improve the capability of courts to accept and use scientific information.

Accomplishments and Workload: Since FURP support is provided by members of OIAJ, the output in terms of contracts administered is presented in the OIAJ decision unit. All FURP funding goes strictly into the contracts awarded. The work products of those contracts are not susceptible to quantitative analysis at this stage in the program's development. However, the qualitative value of the contracts is described below.

Major Contract Awards

In late 1979, the major contract on caseweightings for U.S. Attorneys was completed and the final report was issued. The project developed a caseweightings method for measuring and predicting finance and resource requirements for U.S. Attorneys' offices based upon the characteristics of their caseloads. The method was used to plan the FY 1980 allocation of resources to those offices.

In 1980 three major contracts were completed. The project on development of justice impact statements was completed in May, 1980 with the issuance of a final report which included a sample impact statement on the abolition of diversity jurisdiction. A study of family and commercial disputes, conducted in conjunction with the Role of Courts project, was completed in August, 1980. A study of the impact of the Speedy Trial Act on criminal and civil cases in 18 districts was completed in June 1980, with reports transmitted to Congress in January, April, and June 1980.

Four other major contracts, awarded by competitive solicitation during 1978 and 1979, are moving toward completion. They provide for: the development of data to formulate and evaluate sentencing guidelines; an investigation of the costs of civil litigation; a study of the procedures used in releasing convicted defendants while appeals are pending; and a study of dual jurisdiction cases to improve the allocation of prosecutorial responsibility between Federal and state authorities. Technical monitoring and administration of these contracts are underway.

In 1980 a major competitive solicitation was issued for a study of resource allocation in U.S. Attorneys' Offices, which will build upon the earlier caseweightings project to implement a workable resource allocation scheme. The contractor has been selected and the effort is underway.

Small Awards

A number of small contracts completed during 1979 have contributed materially to major legislative proposals developed by the Office for Improvements in the Administration of Justice. A project on magistrates utilization provided helpful data leading to the drafting and passage of the Magistrate Act of 1979. Two other projects which support legislation now pending

before Congress were a project on class action pertaining to the Federal Court Improvements Act of 1979 and a project on general diversity jurisdiction pertaining to a bill to abolish such jurisdiction.

Examples of other small awards currently in progress or completed are: a study of discovery practices in the California Economical Litigation project; a study of discovery abuse; a study of the review of state convictions in federal courts; a study of judicial disciplinary commissions; a conference on the role of the Attorney General; a study of interpersonal mediation; and several small studies on the role of courts in American society.

Management Improvements

The FJRP has instituted a structure which divides responsibility for developing work statements and monitoring awards between two substantive professionals, one in criminal justice and one in civil justice. This scheme assists in the delegation and handling of workload and has improved the speed and responsiveness with which projects are executed.

The Program has also developed standardized procedures allowing dissemination of its research reports and information on projects to the justice community at all levels. This effort involves the National Technical Information Service, the National Criminal Justice Reference Service and the Smithsonian Science Information Exchange, as well as less formal dissemination methods. A standard report cover is also being used to aid recognition of FJRP reports.

State and Local Drug Grants Program
Salaries and expenses, General Administration
Justification of Program and Performance

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Activity: State and Local Drug Grants.....	...	\$9,500	...	\$9,500	...	...	...	-\$9,500

The Department provides technical assistance and training to state and local drug enforcement agencies through the Drug Enforcement Administration but does not directly provide financial aid to support these programs. The State and Local Drug Grants Program was designed to provide this financial aid to existing state and local drug enforcement programs. No funds are requested for fiscal year 1982.

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Special Management StudiesSalaries and expenses, General AdministrationJustification of Program and Performance

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Activity: Special Management Studies.....	...	\$1,300	...	\$1,300	...	...	...	-\$1,300

The Special Management Studies Activity includes resources to conduct studies of the National Crime Information Center and the Department's Case Management Systems.

The National Crime Information Center (NCIC) study may result in recommendations for possible replacement of the 12-year old NCIC system which has now become costly and technically obsolete. The study, which will be coordinated by the Federal Bureau of Investigation and the Justice Management Division, will include a users' requirements study, an environmental impact analysis, and development and evaluation of models which may provide systems prototypes to replace the current NCIC system.

The case management study will include the development and implementation of a system development plan for the activation and coordination, within the Department of Justice, of compatible, comprehensive case management information and tracking systems. No funds are requested for this activity for FY 1982.

DEPARTMENT OF JUSTICE
General Administration
Salaries and Expenses
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
General Administration
Salaries and Expenses

1982 Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-11	Salaries and expenses.....	\$40,515,000	-\$2,862,000	\$37,653,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval.

General Administration
Salaries and Expenses
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	781	814	\$40,515,000
Proposed amendment.....	-58	-53	-2,862,000
Revised request.....	723	761	37,653,000

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Explanation of Request

This amendment reduces the 1982 request for General Administration. This reduction eliminates additional resources requested in General Administration for the INTERPOL operation and reduces improvements to the Department's internal audit program, equal employment opportunity program, contract procurement review, and management of the Freedom of Information and Privacy Acts.

General AdministrationSalaries and ExpensesSummary of Requirements
(Dollars in thousands)

Comparison by Activity	1982 Request Pending		1982 Proposed		1982 Revised	
	Pos.	MT Amount	Amendment Pos.	MT Amount	Request Pos.	MT Amount
1. Program direction and policy coordination:						
1/ a. Executive direction.....	157	163 \$9,165	-35	-35 -\$1,584	122	128 \$7,581
b. Legislative Affairs.....	25	27 1,085	-3	-2 -58	22	25 1,027
c. Justice Management Division.	550	574 26,463	-20	-16 -682	530	558 25,781
2. Administrative review and appeals:						
a. Pardon Attorney	8	9 302	...	...	8	9 302
b. Board of Immigration Appeals	41	41 1,692	...	...	41	41 1,656
3. Federal Justice Research Program	...	... 1,808	...	...	...	... 1,306
Total requirements.....	781	814 40,515	-58	-53 -2,862	723	761 37,653

1/ The Improvements in the Administration of Justice subactivity has been subsumed within the Executive Direction category.

General Administration

Salaries and Expenses

**Justification of Requirements
(Dollars in thousands)**

Comparison by Activity		1982 Request Pending		1982 Proposed Amendment		1982 Revised Request			
	Per- Pos.	WY	Amount	Per- Pos.	WY	Amount	Per- Pos.	WY	Amount
1. Program direction and policy coordination:									
a. Executive direction									
Department Leadership.....	84	87	\$5,554	-28	-29	-\$1,367	56	58	\$4,187
Intelligence Policy and Review.....	14	14	685	...	...	...	14	14	685
Office of Legal Policy.....	36	39	1,783	-5	-5	-193	31	34	1,590
Professional Responsibility.	9	9	450	-1	-1	-24	8	8	426
Public Affairs	14	14	693	-1	...	...	13	14	693
b. Legislative Affairs.....	25	27	1,095	-3	-2	-58	22	25	1,027
c. Justice Management Division.	550	574	26,463	-20	-16	-682	530	558	25,781
2. Administrative review and appeals:									
a. Pardon Attorney	8	9	302	...	...	...	8	9	302
b. Board of Immigration Appeals	41	41	1,692	...	...	-36	41	41	1,656
3. Federal Justice Research Program	...	...	1,808	...	...	-502	...	...	1,306
Total requirements.....	781	814	40,515	-58	-53	-2,862	723	761	37,653

Item: General Administration

The proposed reduction for the General Administration's revised 1982 request of 58 positions and \$2,862,000 is a result of the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. Primarily, the reduction reflects the elimination of additional resources requested for the INTERPOL operations and reduces resources requested for Freedom of Information advisory services and the support by the Internal Audit and Professional Responsibility staffs in detecting and eliminating fraud and waste abuse in Government programs.

General Administration
Salaries and expenses
Financial Analysis
(Dollars in thousands)

Grade and object class	Program Direction and Policy Coordination				Administrative Review and Appeals		Federal Justice Research Program		Total	
	Executive Direction	Legislative Affairs	Justice Management Division	Pos.	Pos.	Pos.	Pos.	Pos.	Pos.	Pos.
ES-4.....	-1	...	...	...	...	...	...	...	-1	...
GS/GS-17.....	...	...	...	...	...	...	...	...	...	...
GS/GM-15.....	-3	...	...	...	...	...	...	...	-3	...
GS/GM-14.....	-5	...	...	...	...	...	...	...	-5	...
GS/GM-13.....	-4	...	...	...	...	...	...	...	-4	...
GS-12.....	-5	...	...	...	...	...	...	...	-5	...
GS-11.....	-3	...	...	...	...	...	...	...	-3	...
GS-9.....	...	...	...	...	...	...	...	...	...	...
GS-7.....	-8	...	...	...	...	...	...	...	-8	...
GS-6.....	-1	...	...	...	...	...	...	...	-1	...
GS-5.....	-4	...	...	...	...	...	...	...	-4	...
GS-4.....	-1	...	...	...	...	...	...	...	-1	...
Total positions and annual rate.....	-35	-899	-582	-20	-582	-582	-582	-582	-35	-1,535
Lapse.....	...	...	...	...	...	...	...	...	...	...
Full-time equivalent employment and related permanent compensation....	-35	-899	-582	-16	-556	...	...	...	-53	-1,507
Personnel benefits.....	-90	-90	-4	-53	-53	...	...	...	-147	...
Travel and transportation of persons.....	-25	-25	-1	-35	-35	...	...	...	-61	...
Communications and utilities, other rent.....	-67	-67	...	...	...	...	...	...	-67	...
Standard level user charges.....	-70	-70	...	...	...	...	...	...	-95	...
Printing and reproduction.....	-12	-12	...	...	...	...	...	...	-31	...
Other Services.....	-200	-200	-1	-9	-9	...	...	...	-712	...
Supplies and materials.....	-82	-82	...	-2	-2	...	...	...	-84	...
Equipment.....	-139	-139	...	...	...	...	...	...	-158	...
Total workyears and obligations, 1982.....	-35	-1,584	-682	-16	-682	-36	-502	-502	-53	-2,062

DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	'82	'82	'82
15-0129-0-1-751			
	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
<u>Program by activities:</u>			
Direct program:			
1. Program direction and policy coordination:.....	36,713	-2,324	34,389
2. Administrative review and appeals:.....	1,994	-36	1,958
3. Federal justice research program:.....	1,808	-502	1,306
Total, direct program:.....	40,515	-2,862	37,653
Reimbursable program:.....	3,500	...	3,500
10.00 Total program costs, funded obligations:.....	44,015	-2,862	41,153
<u>Financing:</u>			
11.00 Offsetting collections from Federal funds:.....	-3,500	...	-3,500
40.00 Budget authority (appropriation):.....	40,515	-2,862	37,653
Relation of obligations to outlays:			
71.00 Obligations incurred, net....	40,515	-2,862	37,653
72.40 Obligated balance, start of year:.....	7,140	...	7,140
74.40 Obligated balance, end of year	-8,409	-1,467	-9,876
90.00 Outlays, excluding pay raise	39,187	-4,329	34,858
91.20 Outlays from civilian pay raise supplement:.....	59	...	59

DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
SALARIES AND EXPENSES

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	1982 actual	1982 estimate	1982 revised
15-0129-0-1-751			
Personnel compensation:	Request Pending	Proposed Amendment	Revised Request
11.1 Permanent positions.....	21,524	-1,507	20,017
11.3 Positions other than permanent.....	790	...	790
11.5 Other personnel compensation.....	435	...	435
11.8 Special personal services payments.....	...	...	...
Total personnel compensation.....	22,749	-1,507	21,242
Personnel benefits:			
12.1 Civilian.....	2,090	-147	1,943
13.0 Benefits for former personnel.....			
21.0 Travel and transportation of persons.....	1,236	-61	1,175
22.0 Transportation of things.....	47	...	47
23.1 Standard level user charges....	3,129	-95	3,034
23.2 Communications, utilities & other rent.....	1,995	-67	1,928
24.0 Printing and reproduction.....	644	-31	613
25.0 Other services.....	5,538	-712	4,826
26.0 Supplies and materials.....	1,130	-84	1,046
31.0 Equipment.....	1,957	-158	1,799
32.0 Lands and structures.....			
33.0 Investments and loans.....			
41.0 Grants, subsidies, and contributions.....			
42.0 Insurance claims and indemnities.....			
43.0 Interest and dividends.....			
44.0 Refunds.....			
Total direct obligations.....	40,515	-2,862	37,653
Reimbursable obligations.....	3,500	...	3,500
99.0 Total obligations.....	44,015	-2,862	41,153

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DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
SALARIES AND EXPENSES

PERSONNEL SUMMARY

Identification code 15-0129-0-1-751	¹⁹ 82 Request	¹⁹ 82 Proposed	¹⁹ 82 Revised
	<u>Pending</u>	<u>Amendment</u>	<u>Request</u>
Direct:			
Total number of full-time permanent Positions.....	781	-58	723
Total compensable workyears:			
Full-time equivalent employment...	806	-53	753
Full-time equivalent of overtime and holiday hours.....	8	...	8
Average ES salary.....	\$49,615	...	\$49,615
Average GS grade.....	10.23	9.71	10.20
Average GS salary.....	\$28,679	\$28,434	\$28,521
Average salary of ungraded positions	\$20,589	...	\$20,589
Reimbursable:			
Total number of permanent positions	32	...	32
Total compensable workyears:			
Full-time equivalent employment...	37	...	37
Full-time equivalent of overtime and holiday pay.....	(0)	...	(0)
Average GS grade.....	10.47	...	10.47
Average GS salary.....	\$28,825	...	\$28,825

DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

15-0129-0-1-751	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Executive level I.....	1	...	1
Executive level II.....	1	...	1
Executive level III.....	1	...	1
Executive level IV.....	2	...	2
Subtotal.....	5	...	5
ES-6.....	1	...	1
ES-5.....	5	...	5
ES-4.....	12	-1	11
ES-3.....	1	...	1
ES-2.....	7	...	7
ES-1.....	4	...	4
Subtotal.....	30	-1	29
GS-17.....	3	-1	2
GS-16.....	2	...	2
GS/GM-15.....	83	-7	76
GS/GM-14.....	97	-8	89
GS/GM-13.....	84	-7	77
GS-12.....	75	-6	69
GS-11.....	49	-6	43
GS-10.....	6	...	6
GS-9.....	54	-4	50
GS-8.....	27	...	27
GS-7.....	92	-11	81
GS-6.....	61	-1	60
GS-5.....	54	-4	50
GS-4.....	27	-2	25
GS-3.....	8	...	8
Subtotal.....	722	-57	665
Ungraded.....	24	...	24
Total permanent positions.....	781	-58	723
Unfilled positions, Sept. 30.....	-14	...	-14
Total permanent employment end of year.....	767	-58	709

GENERAL STATEMENT

Mr. HIGHTOWER. The amount requested for fiscal year 1982 is \$37,653,000. This amount is a decrease of \$1,931,000 below the base amount. You have a prepared statement with regard to General Administration?

Mr. ROONEY. Yes, I do, Mr. Chairman.

Mr. HIGHTOWER. We will insert it in the record at this point. [The prepared statement follows:]

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, KEVIN D. ROONEY

Mr. Chairman and members of the subcommittee, I am pleased to have the opportunity to appear before you today in support of the General Administration (GA) budget request for fiscal year 1982. The total request provides for 723 positions and \$37,653,000, a net increase of 28 positions and \$2,895,000 over the 1981 anticipated appropriation. Increases in the budget are the result of uncontrollable increases of \$1,825,000; the transfer to the Justice Management Division of 70 positions and \$3,466,000 for the Office of Justice Assistance, Research, and Statistics audit function; and non-personnel increases of \$2,208,000, principally for communications, data processing and library requirements. The increases are offset by program decreases of 42 positions and \$4,129,000, and a \$475,000 transfer to the Criminal Division for the Interpol operation.

The program reductions are part of the Department's overall effort to reduce its budget in support of the President's Program for Economic Recovery. These reductions are slated principally for the Department's overhead and executive oversight operations, the Federal Justice Research Program; and for the State and Local Drug Grant Program, which was funded at \$3,170,000 in 1981. Finally, non-personnel program increases are requested to meet requirements to support several key operations within the Justice Management Division.

Of these requirements totaling \$2,208,000, \$783,000 is needed to provide special secure telephone devices for communications with the U.S. intelligence community and to establish training capability for paralegal and SES employees. An increase of \$137,000 will allow further development of the Financial Management Information System to include all Offices, Boards, and Divisions now serviced by the Legal Activities and General Administration Accounting System. Finally, \$1,288,000 is required in the Litigation and Management Systems area, principally to provide, in the Department's library, adequate utilization of information banks and automated data systems for both legal and factual research. This will directly affect the development of automated library services, bringing this valuable resource in line with current state of the art technology.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or the members of the Subcommittee may have.

Mr. HIGHTOWER. If you would like to make any additional comments, we will be happy to hear them.

Mr. ROONEY. Just to summarize, Mr. Chairman, as you indicated, we are requesting \$37.7 million and 723 positions. While this represents a net increase of 28 positions after the transfer of 70 positions from the Office of Justice Assistance, Research and Statistics appropriation for the audit function and the close-out of LEAA grants, we are really talking here about a 42-position decrease.

This decrease principally reflects reductions by the new Administration to reduce overhead in the top positions in the Department, specifically the offices of the Attorney General, Deputy Attorney General and Associate Attorney General. The General Administration budget also includes reductions to the Federal Justice Research program which was funded, after revisions, at \$1,385 million in fiscal year 1981.

REDUCTIONS FOR 1982

Mr. HIGHTOWER. Page 2 of the revised justifications indicates among other things, the reduction would eliminate improvements to the Department's internal audit program. Is this reduction consistent with the new Administration's program to eliminate waste and fraud from the operations of Federal departments and agencies?

Mr. ROONEY. Mr. Chairman, I think it is probably best to say it is not inconsistent. The original budget request, prior to the decision to transfer 70 positions from OJARS to the Department for the audit function, included a 10-position increase for the Department's audit staff. However, the transfer of the 70 positions from OJARS will increase the Department's audit staff to over 90 positions, and it was decided not to ask for an increase. So when we talk about a reduction, we are talking about a reduction from an increase previously asked for in the prior Administration's budget.

Mr. HIGHTOWER. How many of the 58 positions that are not going to be funded under this proposed reduction are filled at the present time?

Mr. ROONEY. Mr. Chairman, for the General Administration appropriation in the 1982 budget that we are now proposing, there is a ceiling of approximately 710 people; of those, currently 638 are filled, leaving a difference of 72. However, we will be transferring 70 positions from the Office of Justice Assistance, Research and Statistics, so we are basically still at about the current level we are talking about today.

Mr. HIGHTOWER. So actually these 58 positions are now vacant anyway?

Mr. ROONEY. Most of them are, because they were principally targeted at the top leadership positions in the Department, and most of those positions were vacated at the time of the change in administration.

Mr. HIGHTOWER. But the new Administration is going to put new people at those desks, aren't they?

Mr. ROONEY. Not to the extent that the prior one had, Mr. Chairman. The three senior offices in the Department were staffed at a much higher level than the current Administration plans to staff them.

Mr. HIGHTOWER. There is a proposed reduction of 3 positions in the Office of Professional Responsibility; or about 25 percent. What effect will this reduction have on the Department's capability to investigate improper activities of employees?

Mr. ROONEY. We anticipate that it will have none, Mr. Chairman. The Office of Professional Responsibility is currently operating at an on-board level of 8. Since they expect to be able to operate at that level over the next year, they expect to have no difficulty at all with the decrease.

FEDERAL JUSTICE RESEARCH

Mr. HIGHTOWER. The revised justifications indicate that you are proposing a reduction of \$502,000 for the Federal Justice Research Program as compared with the original budget request. What is the difference between the Federal Justice Research Program and the

Office for Improvements in the Administration of Justice, which is also funded in this appropriation?

Mr. ROONEY. The Federal Justice Research Program, Mr. Chairman, is strictly a grant program with no associated personnel. This is where grants are made for Federal justice research as opposed to the ability that we have, or did have, within the LEAA and the National Institute of Justice to fund State and local justice research.

The Office for Improvements in the Administration of Justice is the office which had responsibility for the Federal Justice Research Program. However, that office is strictly operated as a staff-level office within the Department. Under the leadership of the new Attorney General, this office will be abolished and transformed into an Office of Legal Policy. With the Office for Improvements in the Administration of Justice, the focus has been on developing new initiatives in the area of improving the system-wide administration of justice in the courts as well as the Department. The Office of Legal Policy will focus more on legal policy issues within the direct purview of the Attorney General.

Mr. HIGHTOWER. Why is it that on pages 36 and 66 of the original justifications two organizations take credit for the same accomplishments?

Mr. ROONEY. You said 36 and 66?

Mr. HIGHTOWER. 36 and 66, if my information is correct.

Mr. ROONEY. That is the Office for Improvements in the Administration of Justice and the Federal Justice Research Program. The answer to that question Mr. Chairman, is that the Federal Justice Research Program is operated out of the Office for Improvements in the Administration of Justice whose staff people monitor the programs. The grants under the Federal Justice Research Program are housed in the Office for Improvements in the Administration of Justice, so we are really talking about the same accomplishments.

TRANSFER OF FUNCTIONS—AUDIT AND INTERPOL

Mr. HIGHTOWER. What is the justification for transferring 70 positions and \$3,466,000 from the Office of Justice Assistance, Research and Statistics to the Justice Management Division, to the General Administration appropriation? Why don't you leave at least a portion of the audit function within the Office of Justice Assistance, Research and Statistics to provide audit services to the various units and programs within OJARS?

Mr. ROONEY. There are several reasons for that, Mr. Chairman. One is that under the proposed budget, the Office of Justice Assistance, Research and Statistics will consist of three elements: the Bureau of Justice Statistics; the National Institute of Justice where there are virtually no audit requirements; and a small administrative staff to close out the ongoing grants of the LEAA. The small administrative staff will consist of approximately 125 people.

The major reasons for the transfer, though, are two-fold. With the completion of the LEAA program and the effective elimination of that program over the next couple of years, we are having a great deal of difficulty in maintaining a sufficient level of employees within that audit function. To enable us to retain the key

auditors that are necessary, since we now have approximately \$1.5 billion still out there in Federal grants.

We propose to move these people to the Department-level audit staff to retain the skills and the familiarity with those grant programs for which we will have audit closeout responsibility.

Secondly, the Congress has been very critical of the Department for having a splintered audit function. The rest of the Department is subject to the Department's internal audit staff, which has no authority whatsoever over the LEAA, and this will enable us to merge the two organizations together.

INTERPOL TRANSFER TO CRIMINAL DIVISION

Mr. HIGHTOWER. What is the justification for transferring the INTERPOL functions to the General Legal Activities?

Mr. ROONEY. The justification for that, Mr. Chairman, is that the INTERPOL function is a criminal police organization, an international one. It is more directly associated with the criminal law enforcement operations of the department, and we believe that having this organization under the Criminal Division, which reports directly to the Associate Attorney General who has department-wide responsibility for law enforcement activities, is a sound decision.

Secondly, it removes any operational responsibility from the Office of the Deputy Attorney General, which is where the staff is now housed. The Deputy Attorney General's office will then have only supervisory responsibilities.

INCREASES IN JUSTICE MANAGEMENT DIVISION

Mr. HIGHTOWER. The justifications indicate you are requesting a total of \$783,000 in increases for personnel and administration. What are the elements of that increase?

Mr. ROONEY. There are several elements, Mr. Chairman. I can not give you the details here. There are about ten elements.

Mr. HIGHTOWER. If you would like, you can provide that for the record.

Mr. ROONEY. We will provide that for the record, then.
[The information follows:]

INCREASE FOR PERSONNEL AND ADMINISTRATION

The increase of \$783,000 for personnel and administration consists of the following elements:

	<i>Cost</i>
1. Purchase of 6 STU-11 secure voice devices to allow communications with Intelligence Community.....	\$200,000
2. Paralegal Institute for personnel of legal divisions.....	150,000
3. Senior executive service development and training courses.....	100,000
4. Purchase of word processing equipment to be used by the Administration Counsel for centralizing the management of the Freedom of Information Requests to the Department of Justice.....	9,000
5. To support the EEO program development of a minority talent bank and to support the personnel and training staff in labor management relation activities through utilization of automated systems facilitating pertinent research.....	77,000
6. Feasibility study for national supply system.....	75,000
7. CRT terminals, disk drives, printer for the property management and procurement staff.....	60,000

	<i>Cost</i>
8. Security training for DOJ managers and lawyers in pertinent security regulations and sensitive compartmented information.....	40,000
9. Security audits of DOJ field installations, Travel	26,000
10. Word processing equipment for the records and publication staff.....	20,000
11. Electronic postage scales for the records and publication staff—Mail Management Section.....	11,000
Total	783,000

SECURITY COMMUNICATION DEVICES

Mr. HIGHTOWER. Part of the request is for special security telephone devices for communications between the Office of Intelligence Policy and Review and the U.S. intelligence community. Does this office presently have any telephone security devices, and if not, how does it operate?

Mr. ROONEY. This office does, Mr. Chairman. When the Department picked up the oversight function which is vested in the Attorney General, we were forced, obviously, to acquire some of these phones, and they have always been unbudgeted. This request will allow us to acquire six more phones, which will eliminate the necessity for the Deputy Attorney General and other senior-level officials of the Department to vacate their offices when needing to communicate currently they must go to a specific location in the building. These are also technological improvements within the equipment.

FINANCIAL MANAGEMENT INFORMATION SYSTEM

Mr. HIGHTOWER. Will the requested increase of \$137,000 provide for completion of the financial management information system, and if not, when do you expect to complete that system?

Mr. ROONEY. It is my understanding, Mr. Chairman, that that will substantially complete the requirements for installation of that system.

LITIGATION AND MANAGEMENT INFORMATION SYSTEM

Mr. HIGHTOWER. Can you briefly describe each of the six items under the requested increase for litigation and management information systems, the need for each of those increases and the amount of each of the increases?

Mr. ROONEY. Yes, Mr. Chairman. I can provide a detailed outline of what each item is for the record, and the principal reason for them is for a library. They are all in the library area, and we are trying, with primarily the use of automated technology and the availability of data banks, to continue our modernization of the Department's library.

[The information follows:]

INCREASE FOR LITIGATION AND MANAGEMENT INFORMATION SYSTEMS

The increase of \$1,288,000 for litigation and management information systems consists of the following elements:

	<i>Cost</i>
1. Purchase of microform materials to deal with space limitations.....	\$500,000
2. Purchase of publications for division libraries to bring collections up to date.....	400,000

Cont

3. Contract for ADP services for cataloguing, circulation and procurement systems.....	200,000
4. Purchase of replacement shelving	100,000
5. Purchase of microform reader printers, ADP terminals and printers ..	57,000
6. Purchase of support supplies and materials	30,000
7. Rent, communications and utilities.....	1,000
Total	1,288,000

STATE AND LOCAL DRUG GRANTS

Mr. HIGHTOWER. The justifications also indicate a decrease of \$3,170,000 for the State and local drug grants program. How many grants were made during fiscal year 1981, and why are you proposing to eliminate this program?

Mr. ROONEY. The principal reason, Mr. Chairman, for eliminating the program, is the matter of the hard choices that the Attorney General was talking about this morning of focusing upon our Federal effort rather than direct funding of State and local efforts.

There are presently seven projects that are funded under this program. However, only five will require funding in fiscal year 1981. This program was initiated in 1980 at the request of the Congress, and we have never specifically asked for it in our budget. However, it was included again in 1981. There are four projects that we will require funding in 1981.

These include the Rocky Mountain Information Network, Western States Information Network, New England Administrative Police Conference, and LEVITICUS. We can provide the funding levels if you would like for the record.

[The information follows:] -

1981 Funded Projects

Project:	
Rocky Mountain Information Network	\$1,614,600
Western States Information Network.....	554,685
New England State Policy Administration Conference	298,459
LEVITICUS project	671,580
Subtotal.....	3,139,324
Presently uncommitted.....	30,676
Total	3,170,000

Mr. HIGHTOWER. Would any amount be allocated during fiscal year 1982 to phase out this program, or are you proposing to eliminate this funding completely?

Mr. ROONEY. We are proposing to eliminate it completely.

Mr. HIGHTOWER. Thank you, Mr. Rooney.

FRIDAY, MARCH 27, 1981.

U.S. PAROLE COMMISSION

WITNESSES

CECIL C. McCALL, CHAIRMAN
BARBARA MEIERHOEFER, ACTING RESEARCH DIRECTOR
J. ROBERTSON HAWORTH, EXECUTIVE ASSISTANT TO THE CHAIRMAN
JAMES R. DRALEY, BUDGET OFFICER
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CHARLES R. NEILL, CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. We will next consider the U.S. Parole Commission. We are happy to have with us today Mr. Cecil C. McCall, Chairman of the U.S. Parole Commission.

We will be happy to hear from you in a minute.

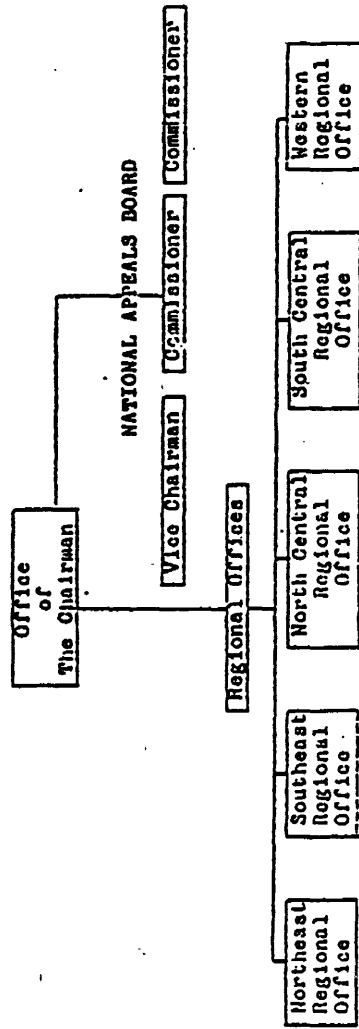
The request for fiscal year 1982 is \$6,461,000. This amount is an increase of \$380,000 over the total provided for fiscal year 1981, adjusted for the pending pay supplemental. The justifications appear under a separate tab in Volume I of the justification book as well as a separate tab in the justification book in support of the amended budget request. We will insert these justifications in the record at this point.

[The justification material follows:]

Department of Justice
U. S. Parole Commission
Estimates for Fiscal Year 1982
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U. S. PAROLE COMMISSION



United States Parole Commission

Summary Statement

Fiscal Year 1982

The United States Board of Parole was created by Congress in 1930. In 1976, the Parole Commission and Reorganization Act (Public Law 94-233, effective 5/14/76) retitled the agency as the United States Parole Commission. Placed within the Department of Justice for administrative purposes, the Commission is an agency with independent decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release).

The Parole Commission and Reorganization Act provides for nine Commissioners, appointed by the President by and with the advice and consent of the Senate. One Commissioner is designated as Chairman. Each of the five Regional Offices of the Commission is under the supervision of a Commissioner, and three Commissioners comprise a National Appeals Board in Washington, D.C. At present the Parole Commission operates out of five regional offices and a headquarters office in Washington, D.C. Hearing examiners working out of the regional offices interview prisoners eligible by law for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all Federal prisons a minimum of six times a year, and at State and local facilities, as required. Summaries of the hearings are recorded and then transcribed and sent to the regional office for the initial review and decision of a Commissioner.

On a cooperative basis, the Commission uses the services of staff employed by the Federal Prison System, who are assigned to the correctional institutions throughout the Nation. The staff prepares classification summaries, progress reports, and other reports concerning parole applicants.

Field supervision of released prisoners is provided by United States Probation Officers, who are employed by the U.S. Probation Service in the Administrative Office of the United States Courts. According to statute, they function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releases are prepared by these officers and submitted to the Commission.

A two stage appeal system is in effect to permit review of parole decisions. Decisions on appeal at the regional level must be completed within 30 days and at the National Appeals Board level within 60 days.

National parole policy is reviewed by formal Commission deliberation quarterly. This continual study and review is designed to monitor and refine parole practices throughout the Federal system. An ongoing research program is conducted in areas related to parole; and information and guidance is provided to State parole boards, criminal justice agencies and others interested in improving the sentencing and the parole process.

A small but active research program is ongoing.

Research projects include:

1. A study to assess the impact of the granting of presumptive parole dates on institutional programming and discipline.
2. A study to evaluate the reliability of the calculation of salient factor scores, offense severity ratings, and guideline ranges.
3. A validation of the salient factor score as calculated in the field through use of the newly operational joint FBI - Federal Prison System - Parole Commission Automated Outcome System.

The General Counsel's Office advises Commissioners and staff on interpretation of the agency's enabling statute and policy, drafts implementing rules and regulations, and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974 as amended in 1975. The Counsel's office responds directly to requests submitted under the Freedom of Information Act of 1966 as amended in 1974. Finally, the legal counsel staff has responsibility for analyzing applications for exemption from prohibitions imposed by the federal law against persons who have been convicted of certain crimes from occupying labor union, management, or pension fund positions, and ensuring the conduct of appropriate hearings under the Administrative Procedures Act.

The Commission's legal staff participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries. Successful exchanges were accomplished with Mexico, Bolivia and Canada.

In addition to the progress made related to the research and legal sections, the Commission has established a specialized liaison capability to the Department of Justice Administrative Support Staff to coordinate the administrative aspects of the Commission's operations. Other professional level personnel in the area offices coordinate the work with the Bureau of Prisons institutions and the probation offices attached to each United States District Court.

For 1982 the Commission is requesting a small increase for training. In addition a decrease of 6 positions and \$46,000 is proposed to maintain employment throughout 1982 at the current level.

U. S. Parole Commission

Proposed Authorization Language

The U. S. Parole Commission is requesting the following authorization language:

For the United States Parole Commission, including the hire of passenger motor vehicles: \$6,541,000.

U. S. Parole Commission
Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

United States Parole Commission, Salaries and expenses

For necessary expenses of the United States Parole Commission, as authorized by law, [\$5,840,000] ----- \$6,541,000

Explanation of changes

No substantive changes proposed.

U. S. Parole Commission

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation Actions on		1981 Supplementals Requested		1981 Appropriation Anticipated	
	Pos.	WT Amt.	Pos.	WT Amt.	WT	Pay Amt.	Pos.	WT Amt.
Parole	178	179 \$5,868	...	... -\$28	-6	\$302	178	173 \$6,142

Explanation of Analysis of Changes from 1981 Appropriation Request

Supplementals Requested

1. The pay raise (Executive Order 12248) effective October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981.

U. S. Parole Commission
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base and built-in changes</u>		Perm. Pos.	Work- years	Amount
1981 as enacted.....		178	179	\$5,840
1981 Pay supplemental requested.....		...	-6	302
Estimates by budget activity.....		178	173	6,142
Uncontrollable increases.....		...	...	350
Decreases.....		...	...	-21
1982 Base.....		178	173	6,471
1981 Appropriation Anticipated.....				
Estimates by budget activity.....	1982 Base	Perm.	1982 Estimate	Increase/Decrease
Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.
WY Amt.	WY Amt.	WY Amt.	WY Amt.	WY Amt.
178 171 \$5,760 178 171 \$5,754 178 173 \$6,142 178 173 \$6,471 172 173 \$6,561 -6 ... \$70				

U. S. Parole Commission
Justification of Program and Performance

Activity Resource Summary

Activity	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated										
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Pos.	NY
Parole.....	178	173	\$6,142	178	173	\$6,471	172	173	\$6,541	-6	...
											\$70

Long-range Goal: To make decisions relative to the grant or denial of parole, conditions of parole, supervision of parolees and mandatory releases, recommitment in event of violation of the conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976.

Major objectives:

- Establish a national paroling policy and promote the consistent exercise of discretion in the paroling process.
- Develop and apply specific guidelines and rules for parole decision making so that the duration of terms of imprisonment throughout the federal system will be equitable.
- Meet the statutory limitations of granting or denying parole within the time requirements in the law to all federal prisoners who are eligible for Parole Commission consideration.
- Improve the rehabilitation process of the parolee by maintaining an effective parole supervision program through the U.S. Probation Offices.
- Modify or revoke the parole or mandatory release of any individual who violates the conditions of release.
- Administer the aspects of the Commission's responsibilities under labor and pension laws by making decisions relative to the grant or denial of applications pursuant to these laws.

Base Program Description:

At present, the Parole Commission operates out of five regional offices and a headquarters office in Washington, D.C. Hearing examiners working out of the regional offices interview prisoners eligible for parole and make recommendations to the Parole Commissioners. These hearings are conducted by examiner panels at all federal prisons a minimum of six times a year, and at state prisons and local communities, as required. Summaries of the hearings are recorded and then transcribed and sent to the regional office for the initial review and decision of a Commissioner.

A two stage appeal system is in effect to permit review of parole decisions. Decisions on appeal at the regional level must be completed within 30 days and at the National Appeals Board level within 60 days.

Other professional level personnel in the area offices coordinate the work with the Bureau of Prisons institutions and the probation officers attached to each United States District Court.

An ongoing research program is conducted in areas related to parole and information and guidance is provided to state parole boards, criminal justice agencies and others interested in improving the criminal justice process.

A review of national parole policy by formal Commission deliberation takes place quarterly. This continual study and review is aimed at the stabilization and refinement of parole practices throughout the Federal system.

Accomplishments and Workload:

1. Commission assistance has been provided as requested to various state parole agencies and legislatures (e.g., New York, Oregon, Florida and Minnesota) regarding the development of decision making guidelines and innovative parole procedures.
2. The Commission has carried on an active program of research.
3. 15,200 hearings were conducted. These included statutory review hearings, initial hearings, regular reviews, rescission hearings, revocation hearings as well as others.
4. 2,600 arrests warrant decisions were made on parole and mandatory release cases.
5. The number of appeals processed at the regional level was 4,800 and at the national level 2,700.
6. A completely revised procedures manual has been developed and approved by the Commission and is now in effect.

7. The workload of the Parole Commission is presented in the following table.

Item	Estimates	
	1979	1980
Hearings:		
Initial	11,757 2/	11,100 2/
One-Third Sentence-Interim	141	...
Regular Review	311	...
Record Review	5,301	6,500
Rescission	933	1,100
Local Revocation	271	300
Institutional Revocation	1,761	1,900
Other	305	300
Statutory Review	2,019	2,000
Total	22,799	23,200
Appeal Decisions	6,409	7,500
Number Under Supervision, 6/30		
(Parolees and Mandatory		
Releases)	15,000	20,521
Warrants Issued	2,608	2,600

1. Approximately 2% of the cases included under the various hearing categories were conducted as record reviews (i.e., not in-person hearings).

2. These figures include long-term cases, of which there were 1,464 in FY 1979 and 1,146 in the first half of FY 1980.

Program Changes: To provide for the emphasis upon training intended by Congress by the passage of the 1976 Act by implementing an annual training plan, an increase of \$70,000 is requested for 1982. These funds will enable the Commission to accomplish its goal of increased consistency among the regions and improved techniques in the decision-making process.

The majority of training will be provided by present Commission staff at Commission Headquarters in Washington, D.C. This training modality has been used by the Commission in the past and has proven to be highly successful. In light of this, most funds requested will be used to cover transportation and per diem expenses of trainees.

The types of training proposed are as follows:

1. Provide orientation to new employees.
2. Provide in-service training to on-board employees.
3. Sponsor an annual conference for examiners and analysts.
4. Participate in at least two Sentencing Institutes each year.
5. Develop and update training aids.
6. Attend the Attorney General Management Seminars.

Additionally, in keeping with the President's intent to maintain employment at the current on-board level through 1982 a decrease of 6 positions is requested. With the resources proposed the Parole Commission will be able to support 169 permanent workyears and 4 workyears of temporary and part-time employment, the same number as in 1981.

U. S. Parole Commission

Salaries and expenses

Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1981 as enacted	178	179	\$5,840
Pay increase supplemental requested .....	...	-6	302
1981 appropriation anticipated	178	173	6,142
Adjustments to base and built-in changes:			
Uncontrollable increases:			
Annualization of October 1980 pay increase .....	...	...	52
Health benefits costs .....	...	...	9
Standard Level User Charges (SLUC) .....	...	...	26
GSA recurring reimbursable services .....	...	...	3
Travel costs - airfare increases .....	...	...	73
GPO printing costs .....	...	...	4
Departmental printing and reproduction costs .....	...	...	1
General pricing level adjustment .....	...	...	82
Relocation costs .....	...	...	100
Total, uncontrollable increases .....	...	...	350
Decreases:			
Federal Telecommunication Service .....	...	...	-21
Total, decreases .....	...	...	-21
1982 Base	178	173	\$6,471

U.S. Parole Commission

Salaries and expenses

Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Perm. Work- years	Budget Authority
<u>Uncontrollable increases:</u>			
1. Annualization of October 1980 pay increase	\$52
This provides for the annualization of the October 5, 1980 pay increase authorized in Executive Order 12248.			
2. Health benefit costs	9
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance would be 63 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on government costs. The requested increase of \$9,000 provides for payment of the estimated increase.			
3. Standard level user charges - SJUC	26
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. The increase of \$26,000 provides for the same quality and quantity of space in 1982 as in 1981.			
4. GSA recurring reimbursable services	3
The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$3,000 will provide the same level of ser- vice in FY 1982 as in FY 1981 which was \$319,000.			

<u>Uncontrollable increases:</u>		Perm. Pos.	Perm. Work- Years	Budget Authority
5. Travel costs - airfare increases	Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in airfares results in an increase of \$73,000 over the base of \$208,600.	...	...	73
6. GPO printing costs	The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for FY 1982. Using FY 1981 costs as a base, the uncontrollable increase for GPO printing is \$4,000 over the base of \$45,000.	...	...	4
7. Departmental printing and reproduction costs	Departmental printing costs are expected to increase by nine percent increase in FY 1982. This results in an uncontrollable increase of \$1,000 over the base of \$12,000.	...	...	1
8. General pricing level adjustment	This request applies the OMB pricing guidance of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, certain categories of travel, transportation costs, postal rate increases and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.	...	...	82

	Perma. Pos.	Perma. Work- years	Budget Authority
<u>Uncontrollable increases:</u>			
9. Relocation costs	100
This cost reflects funds required to maintain the present level of service in future years resulting from a forced move to the Central Office in the District of Columbia to a new location in Friendship Heights, Maryland.			
Total uncontrollable increases	350
<u>Decrease (Automatic non-policy)</u>			
Federal Telecommunication System (FTS)	-21
The FTS decrease reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in a decrease of \$21,000.			
Total, adjustments to base and built-in changes	329

U. S. Parole Commission
Salaries and expenses
Financial Analysis - Program Increases
(Dollars in thousands)

Item	Parole (Training)		Total	
	WT	Amount	WT	Amount
Travel and Transportation of Persons	62	...	62
Other Services	8	...	8
Total workyears and obligations, 1982	70	...	70

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-18, \$50,112	9		9		...	
GS-15, \$44,547-57,912	4		4		...	
GS-14, \$37,871-49,229	40		39		1	
GS-13, \$32,048-41,660	4		4		...	
GS-12, \$26,951-35,033	16		16		...	
GS-11, \$22,486-29,236	6		5		1	
GS-10, \$20,467-26,605	1		1		...	
GS-9, \$18,585-24,165	15		14		1	
GS-8, \$16,826-21,875	1		1		...	
GS-7, \$15,193-19,747	16		16		...	
GS-6, \$13,672-17,776	27		26		1	
GS-5, \$12,266-15,947	21		20		1	
GS-4, \$10,963-14,248	18		17		1	
Total, appropriated positions	178	\$4,433	172	\$4,448	-6	\$15
Pay above state annual rates .....	...	16	...	16	...	...
Lapses	-9	-84	-3	-57	...	27
Net savings due to lower pay scales for part of the year .....	...	-3	...	...	...	3
Net permanent	169	4,362	169	4,407	-6	45

U.S. Parole Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 Personnel compensation:						
11.1 Permanent positions	169	\$4,362	169	\$4,407	...	\$45
11.3 Positions other than permanent:						
Part-Time	4	54	4	54	...	...
11.5 Other personnel compensation:						
Overtime .....	...	6	...	6	...	...
Total	173	4,422	173	4,467	...	45
Other objects						
12. Personnel benefits		442		458		16
21. Travel and transportation						
of persons		381		565		184
22. Transportation of						
things		28		31		3
23.1 Standard level user						
charges		319		345		26
23.2 Communications, utilities,						
and other rent		169		173		4
24. Printing and repro-						
duction		82		87		5
25. Other services		185		268		83
26. Supplies and materials		74		80		6
31. Equipment		40		67		27
Total requirements	173	6,142	173	6,541	...	399
Relation of obligations to						
outlays:						
Obligated balance,						
start-of-year		755		878		
Obligated balance,						
end-of-year		-878		-1,020		
Outlays		6,019		6,399		

DEPARTMENT OF JUSTICE
U.S. Parole Commission
Salaries and Expenses
Proposed Amendment, Fiscal Year 1982
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DEPARTMENT OF JUSTICE
U.S. Parole Commission
Salaries and Expenses

Budget Appendix Page	Heading	1982 Supplemental Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N3	Salaries and expenses.....	\$6,541,000	-\$80,000	\$6,461,000

U.S. Parole Commission
Salaries and Expenses
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
1982 request pending.....	172	173	\$6,541
1982 proposed amendment.....	...	...	-80
1982 revised request.....	172	173	6,461

Explanation of Request

This amendment deletes from the request \$70,000 for training and \$10,000 in uncontrollable increases for General level price increases.

U.S. Parole Commission
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	WY	Pos.	WY	Pos.	WY
	Amount	Amount	Amount	Amount	Amount	Amount
Comparison by Activity	172	173	\$6,541	...	...	-\$80
Parole.....	172	173	\$6,541	...	172	173 \$6,461

U.S. Parole Commission

Salaries and Expenses

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

<u>Activity/Program</u>	<u>1982 Request</u> <u>Pending (Base)</u>	<u>1982 Proposed</u> <u>Amendment</u>	<u>1982 Revised</u> <u>Request</u>
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Parole.....	\$6,541	-\$80	\$6,461
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The 1982 budget included \$70,000 for increased training costs. The majority of training was to be provided by present Commission staff at Commission headquarters in Washington, D.C. In light of this, most funds requested were to be used to cover transportation and per diem expenses of trainees. In keeping with the President's intent to reduce government travel this initiative is being abandoned.

In addition, the Parole Commission proposes to absorb \$10,000 of costs associated with the General Level Pricing Adjustment request for this year.

U.S. Parole Commission
Salaries and Expenses
Financial Analysis
(Dollars in thousands)

<u>Object Class</u>	<u>1982</u> <u>Proposed</u> <u>Amendment</u> <u>Amount</u>
Travel and transportation of persons.....	62
Communications, utilities, other rent.....	...
Other services.....	18
Supplies and materials.....	...
Equipment.....	...
Total workyears and obligations, 1982.....	80

DEPARTMENT OF JUSTICE
U. S. PAROLE COMMISSION
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	1982 Request Pending	1982 Request Amendment	1982 Revised Request
15-1061-0-1-751			
<u>Program by activities:</u>			
Direct Program:			
Parole.....	6,541	-80	6,461
10.00 Total program costs, funded obligations.....	6,541	-80	6,461
<u>Financing:</u>			
40.00 <u>Budget authority</u> <u>(appropriation)</u>	6,541	-80	6,461
<u>Relations of obligations to outlays:</u>			
71.00 Obligations incurred, net...	6,541	-80	6,461
72.00 Obligated balance, start of year.....	878	...	878
74.00 Obligated balance, end of year.....	-1,020	...	1,010
90.00 Outlays.....	6,399	-80	6,329

DEPARTMENT OF JUSTICE
U. S. PAROLE COMMISSION
SALARIES AND EXPENSES
OBJECT CLASSIFICATION (in thousands of dollars)

Identification code 15-1061-0-1-751	1982 Request	1982 Proposed Amendment	1982 Revised Request
Personnel compensation:	Pending		
11.1 Permanent positions	4,407	...	4,407
11.3 Positions other than permanent	54	...	54
11.5 Other personnel compensation	6	...	6
11.8 Special personal services payments			
Total personnel compensation	4,467	...	4,467
Personnel benefits:			
12.1 Civilian	458	...	458
13.0 Benefits for former personnel			
21.0 Travel and transportation of persons	565	-62	503
22.0 Transportation of things	31	...	31
23.0 Rent, communications, and utilities			
23.1 Standard level user charges	345	...	345
23.2 Comm. Util. & other rent	173	...	173
24.0 Printing and reproduction	87	...	87
25.0 Other services	268	-18	250
26.0 Supplies and materials	80	...	80
31.0 Equipment	67	...	67
32.0 Land and structures			
33.0 Investments and loans			
41.0 Grants, subsidies, and contributions			
42.0 Insurance claims and indemnities			
43.0 Interest and dividends			
44.0 Refunds			
99.0 Total obligations	6,541	-80	6,461

(Memo cast 2011)

(Memo cast 191)

(Memo cast 191)

(Memo cast 1)

GENERAL STATEMENT

Mr. HIGHTOWER. We will be happy to hear from you, Mr. McCall. We will also insert your prepared statement and be happy to have any additional comments that you wish to make.

[Mr. McCall's prepared statement follows:]

STATEMENT OF THE CHAIRMAN, U.S. PAROLE COMMISSION, CECIL C. MCCALL

Mr. Chairman and Members of the Subcommittee: I am pleased to appear before you today in support of the 1982 budget request of the U.S. Parole Commission.

Our budget request is for \$6,461,000 and 172 positions, which represents an increase of \$330,000 and a decrease of 6 positions for the upcoming fiscal year. The increase is for uncontrollable cost and does not reflect a change or expansion in the Commission's program. The decrease of 6 positions is proposed to maintain employment through fiscal year 1982 at the on-board level at the end of fiscal year 1980.

Our workload in fiscal year 1982 is expected to remain about the same as the workload for the current year. We have been reviewing our procedures and are implementing changes in order to make parole decisions with the decrease in personnel and to adhere to the President's policy of reducing Federal Government spending. For example two changes that should save time and travel expense are:

1. Conducting pre-hearing file reviews in our Regional Offices to reduce the time required to conduct hearings actually held at federal prisons, and allowing parole on the record for certain selected offenders who can be safely released without the necessity of a personal hearing.

2. Designating Federal Probation Officers located in the vicinity of certain state institutions to conduct certain hearings that would otherwise be conducted by Commission staff.

We anticipate conducting approximately 16,000 parole hearings and making a total of approximately 30,000 parole decisions during fiscal year 1982. We have issued strict guidelines within the Commission in order to keep our obligations and expenditures to a minimum so that we can carry out these responsibilities with only modest uncontrollable cost increases and reduce the number of positions by 6 in 1982.

It is estimated that this request will enable us to continue our operation and meet the requirements of the law.

This concludes my statement, Mr. Chairman. I shall be pleased to answer any questions you or members of the Subcommittee may wish to raise.

Mr. MCCALL. Thank you, Mr. Chairman. As you indicated, the United States Parole Commission is requesting \$6,461,000 and 172 positions, which represents an increase of \$330,000 and a decrease of 6 positions for the upcoming fiscal year. The increase is for uncontrollable costs, and does not reflect change or expansion of the commission's program. The decrease of 6 positions is proposed to maintain employment through fiscal year 1982 at the on-board level at the end of the fiscal year 1980.

Our workload in 1982 is expected to remain about the same as the workload for the current year. We have been reviewing our procedures and implementing changes in order to make parole decisions with decreasing personnel and to adhere to the President's policy of reducing Federal Government spending.

Two of the changes that the commission is implementing include, first, conducting prehearing file reviews in our regional offices to reduce the time required to conduct the hearings actually held at Federal prisons, and allowing parole on the record for certain selected offenders who can be safely released without the necessity of a personal hearing at the institution. Second, designating in some instances Federal probation offices located in the vicinity of certain State institutions to conduct certain hearings that would otherwise be conducted by the Commission staff.

We anticipate conducting approximately 16,000 parole decisions during fiscal year 1982. We have issued strict guidelines within the commission in order to keep our obligations and expenditures to a minimum, so that we can carry out these responsibilities with only modest uncontrollable cost increases and reduce the number of positions in 1982 by six.

It is estimated that this request, if granted, will enable us to continue our operation and meet the requirements of the law. This concludes my statement.

TRAINING REDUCTION

Mr. HIGHTOWER. The revised justifications indicate that the pending request is \$80,000 less than the \$6,462,000 that was in the original budget. The justifications indicate that \$70,000 of the proposed reduction was associated with increased training costs. Can you tell us what training will not be done as a result of the proposed reduction?

Mr. McCALL. \$70,000, as you indicated, was to be used for training. It was to train our own staff in guideline revision, different policy and procedure changes that the commission might make, to provide outside training, and participate in the Attorney General's seminars.

Mr. HIGHTOWER. How much was obligated for training in this appropriation in fiscal year 1980, and what is the estimate for 1981?

Mr. McCALL. I don't believe any money is actually obligated for training.

Mr. HIGHTOWER. You don't have any estimate about 1981?

Mr. McCALL. The current fiscal year has nothing obligated for training and the estimate is zero.

Mr. HIGHTOWER. Is all of the requested increase for uncontrollable items?

Mr. McCALL. Yes.

REDUCTION OF SIX POSITIONS

Mr. HIGHTOWER. The justifications also show a proposed reduction of 6 positions for the Commission. However, there is no dollar amount associated with the proposal. Why isn't there any savings associated with the reduction of positions?

Mr. DRALEY. Mr. Chairman, the funds were taken out of the pay supplemental for 1981, since we are reducing our workyears by six this year.

DECREASE IN PRISON POPULATION

Mr. HIGHTOWER. With the decline in prison population which Mr. Carlson spoke about, why isn't there a decrease in the staff of the Commission?

Mr. McCALL. Mr. Chairman, the prison population has not decreased substantially from last year. I think he was talking about it decreasing from a high, I believe, in 1977 of 30,000 to a current level of about 24,500. I might add, also, that there is an actual decrease in the number over whom the Commission has jurisdiction is not large. As you know, the Commission has jurisdiction over those who are sentenced to greater than one year and one day.

That particular population group has not decreased substantially. The decrease has been primarily in the lesser sentence offenders.

CURRENT VACANCIES

Mr. HIGHTOWER. Back to this question of the 6 positions. Are those 6 positions filled at this time?

Mr. McCALL. No, sir.

Mr. HIGHTOWER. How many vacancies do you have?

Mr. McCALL. Mr. Chairman I believe we have about 12.

Mr. HIGHTOWER. Thank you very much, Mr. McCall. We appreciate your testimony here to day.

Mr. McCALL. Thank you, Mr. Chairman.

TUESDAY, MARCH 24, 1981.

GENERAL LEGAL ACTIVITIES

WITNESSES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. The next appropriation item is General Legal Activities. This appears under a separate tab in Volume I of the original justifications as well as a separate tab in the book of justifications in support of the amended budget request. We will insert both sets of justifications at this point in the record.

[The justification materials follow:]

DEPARTMENT OF JUSTICE
General Legal Activities
Estimates for Fiscal Year 1982
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Legal Activities
Salaries and expenses, General Legal Activities

Summary Statement

Fiscal Year 1982

General Legal Activities supports the Attorney General through the establishment of litigative policy, conduct of litigation and various other legal responsibilities. The 1982 request of 2,998 positions and \$133,552,000 represents a net increase of 23 positions and \$11,378,000 over the 1981 anticipated appropriation of 2,975 positions and \$122,178,000. Supplementals for 1981 totaling \$3,612,000 are requested for the Civil Division and the Land and Natural Resources Division; of this total, \$900,000 is requested for private counsel expenses and Iranian litigation, and \$2,712,000 is to enforce energy-related and pollution control laws, defend Guam land claims, and meet Congressional mandates and allow for residuals litigation and administrative support. The 1982 request provides for program increases of 23 positions and \$5,691,000 for both workload increases and new program initiatives and a net increase of \$5,683,000 for various adjustments-to-base change. The following organizations (with requested 1982 program increases noted) carry out the activities of this appropriation.

1. Solicitor General - responsible for conduct and supervision of all aspects of Government litigation in the U.S. Supreme Court and approval of all Federal appellate actions. No program increases are requested in 1982.
2. Tax Division - responsible for representation of the United States and all its officers in both civil and original litigation arising under internal revenue laws. A program increase of one position and \$20,000 is requested to enable the Division to respond to increased grand jury activity.
3. Criminal Division - responsible for supervision of litigation arising under most Federal criminal laws. A program decrease of 9 positions and \$496,000 is the result of maintaining Division employment through 1982 at the approximate level of current on-board employment.
4. Civil Division - responsible for the general litigation of the Government in cases both initiated by and brought against the United States or its officers. A program increase of \$1,122,000 is requested to fund the acquisition of word processing equipment to improve organizational productivity and to enhance litigation management techniques.
5. Land and Natural Resources Division - responsible for litigation of civil suits relating to title, possession, and use of Federal land and natural resources; Indian affairs as related to land; and criminal and civil prosecution for wildlife law enforcement and air, water, and noise pollution. A program increase of 22 positions and

\$2,371,000 will provide resources for additional environmental and energy-related litigation and increased administrative and litigation support required to support these and other existing Division programs.

6. Office of Legal Counsel - responsible for the preparation of legal opinions for the President, the Attorney General and executive agencies, and for review of proposed Executive Orders as to form and legality. No program increases are requested for 1982.
7. Civil Rights Division - responsible for original and civil enforcement of Federal civil rights laws, coordination of civil rights investigations and matters within the Department, monitoring certain civil rights decrees by order of Federal courts, and assisting Federal, state and local agencies in responding to and complying with Federal civil rights laws. A program increase of 9 positions and \$2,674,000 is requested to handle additional responsibilities in the areas of institutional civil rights and Federal Title VI coordination, to support a significant increase in voting redistricting and reapportionment activity, and to enhance the Division's overall productivity in the areas of litigation management and support.
8. Special Prosecution - There are no resources requested in 1982 for this program. If the services of a special prosecutor should be required in 1981 or 1982, additional resources will be sought for that purpose.

General Legal ActivitiesProposed Authorization Language

For General Legal Activities, including -

- (A) hire of passenger motor vehicles;
- (B) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration,
- (C) not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General,
- (D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529),
- (E) pay for necessary accommodations in the District of Columbia for conferences and training activities, and
- (F) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals,

\$133,552,000

General Legal Activities

Justification of Proposed Changes in Authorization Language

The General Legal Activities are requesting the following language be deleted from its authorities in 1982.

[(f) not to exceed \$50,000 which may be transferred from the "Alien Property Funds, World War II", for the general administrative expenses of alien property activities including rent of private or Government-owned space in the District of Columbia,]

Disposition of all claims against this fund have been resolved and resources are not expected to be required for 1982.

Legal ActivitiesSalaries and expenses, General Legal ActivitiesJustification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Legal ActivitiesSalaries and expenses, general legal activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for; not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; [\$13,650,000: Provided, That not to exceed \$50,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.]

\$133,552,000

Explanation of changes

Disposition of all claims against this fund have been resolved and resources are not expected to be required for 1982.

Legal Activities
Salaries and expenses, General Legal Activities

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Supplementals Requested Program			1981 Appropriation Anticipated		
	Pos.	WT	Amt.	Pos.	WT	Amt.	Pos.	WT	Amt.	Pos.	WT	Amt.
1. Conduct of Supreme Court proceedings and review of appellate matters.....	47	51	\$2,757	...	...	...	...	...	...	47	51	\$2,879
2. General tax matters.....	574	575	20,824	...	...	...	...	...	...	574	575	21,511
3. Criminal matters.....	856	786	31,981	-20	-15	-4837	...	...	...	836	771	32,192
4. Claims, customs, and general civil matters.....	660	713	25,812	...	...	...	...	...	\$900	660	713	27,983
5. Land, natural resources and Indian matters.....	338	315	15,619	...	...	-93	47	2,712	934	385	362	19,172
6. Legal opinions.....	37	39	1,652	...	...	...	...	...	...	37	39	1,786
7. Civil rights matters.....	454	446	16,844	-18	-14	-879	...	...	...	436	432	16,665
Total.....	2,962	2,925	115,459	-38	-29	-1,809	47	47	3,612	2,915	2,983	122,178

Explanation of Analysis of Changes from 1981 Appropriation Request

Supplementals Requested - The pay raise (Executive Order 12246, October 5, 1980) as modified by P.L. 96-369, Continuing Appropriations, 1981.

The supplemental request for \$3,612,000 and 47 positions provides a transfer of \$2,712,000 and 47 positions for the Land and Natural Resources Division to enforce energy-related and pollution control laws, defend Guam land claims, meet Congressional mandates and allow for requisite litigation and administrative support; and provides the Civil Division \$500,000 for private counsel fees and \$400,000 for Iranian litigation.

Legal Activities
Salaries and expenses, General Legal Activities
Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Work years	Amount
1981 as enacted.....	2,928	2,896	\$113,650
Supplemental requested:			
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$6,928
Deferral to meet increased pay costs.....			-1,840
Reprogramming to meet pay costs.....			-172
Net pay supplemental.....			4,916
Program supplementals requested:			
Land and Natural Resources Division.....	47	47	2,712
Civil Division.....	900		900
1981 appropriation anticipated.....	2,975	2,943	122,178
Adjustments to base and built-in changes:			
Uncontrollable increases:			
Annualization of 1981 pay increase.....			1,926
Annualization of program supplemental.....			167
Within-grade increases.....			812
Retirement contributions - Social Security (FICA).....			2
Health benefits costs.....			153
Standard Level User Charge (SUC).....			581
GSA recurring reimbursable services.....			75
Federal telecommunications System (FIS).....			618
Travel costs - airfare increases.....			1,114
GPO printing costs.....			40
Printing costs of the Federal Register and Code of Federal Regulations.....			7
Departmental printing and reproduction costs.....			135
General pricing level adjustment.....			953
Total, uncontrollable increases.....			6,283
Decreases:			
Non-recurring costs for program supplemental.....			-900
1982 Base.....	2,975	2,943	127,861

Legal Activities

Salaries and expenses, General Legal Activities

Adjustments to Base and Built-In Changes Justification
(Dollars in thousands)

Perm. work- years	Budget Auth.
...	\$1,926

Uncontrollable Increases:

1. Annualization of 1981 pay increase.....

This provides for annualization of the October 5, 1980, pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 and three days (October 1-3, 1980) were not included in the pay raise. Of the pay raise amount of \$6,928,000, \$2,012,000 was absorbed. The calculation of the amount required for annualization is:

3/260 x Amount of Pay raise.....	\$86
1981 Absorption of pay.....	1,840
Total annualization.....	1,926

167

2. Annualization of program supplemental.....

This request provides for the annualization of resources transferred from the Federal Prison System, Buildings and Facilities to enforce energy-related and pollution control laws, defend Guam land cases, meet Congressional mandates and allow for requisite litigation and administrative support in the Land and Natural Resources Division.

812

3. Within-grade increases.....

This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$744,000 and benefits \$68,000).

FY 1982	No. of GS Pos.	Annual Salary Rate	Pay At Base of Grade	Cost of Within Grades	Lower Pay Scale Adj.	Annual Cost of Within Grades	Change From FY
1981	2,882	\$81,518	\$75,701	\$5,817	...	\$5,817	\$744
1980	2,859	78,880	73,807	5,073	...	5,073	430
1979	2,812	70,725	66,469	4,256	109.1	4,483	390
1978	2,720	65,587	61,943	3,644	116.7	4,253	359
	2,478	52,974	49,813	3,161	123.2	3,894	...

	Work- years	Budget Auth.
4. Retirement Contributions - Social Security (FICA).....	...	\$2
Beginning January 1, 1982, the base on which earnings for Social Security computations are calculated will increase from \$29,700 to \$31,000. The rate will increase from 6.65 percent to 6.70 percent. This increase is computed for 22 eligible employees.		
5. Health benefits costs.....	...	153
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on government costs. The requested increase of \$153,000 provides for payment of the estimated increase.		
6. Standard Level User Charge.....	...	581
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$581,000 is required in 1982 to pay for space occupied at the end of 1981.		
7. GSA recurring reimbursable services.....	...	75
The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$75,000 will provide the same level of services in 1982 as in 1981.		
8. Federal Telecommunications System (FTS).....	...	618
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In FY 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$618,000.		
9. Travel costs - airfare increases.....	...	1,114
Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in airfares results in an increase of \$1,114,000.		

	Work- years	Budget Auth.
10. GPO printing costs.....	...	\$40
The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$40,000.		
11. Printing costs for the Federal Register and Code of Federal Regulations.....	...	7
The Legislative Branch Appropriation Act of 1978 (P.L. 95-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations. The current cost estimates from GPO reflect an increase from \$320 per page to \$408 per page for the Federal Register. The requested uncontrollable increase provides funding for 80 pages.		
12. Departmental printing and reproduction costs.....	...	135
Departmental printing costs are expected to increase by nine percent in FY 1982. This results in an uncontrollable increase of \$135,000.		
13. General pricing level adjustment.....	...	953
This request applies the OMB pricing guidance of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.		
Total, uncontrollable increases.....	...	6,583
Decrease (automatic non-policy):		
1. Non-recurring costs for program supplementals.....	...	-900
Total decreases.....	...	-900
Total, adjustments to base and built-in changes.....	...	5,683

Legal Activities
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	General tax matters		Criminal matters		Claims, Customs and general civil matters		Land, natural resources and Indian matters		Civil rights matters		Total	
	Fos.	Amount	Fos.	Amount	Fos.	Amount	Fos.	Amount	Fos.	Amount	Fos.	Amount
Grades												
GS/DA-15.....	...	...	...	...	...	...	12	\$534	...	...	12	\$534
GS/DA-14.....	...	...	-4	-\$151	...	...	...	...	1	\$38	-3	-\$113
GS/DA-13.....	...	...	-3	96	...	...	...	...	6	192	3	96
GS-12.....	...	...	-2	54	...	...	...	...	-1	27	-3	81
GS-11.....	...	...	...	...	...	...	2	76	3	67	5	143
GS-9.....	1	18	...	...	...	...	6	90	-2	34	5	70
GS-5.....	...	...	...	...	...	...	...	...	2	30	2	30
Total positions and annual rate.....	1	18	-9	-301	...	...	22	727	9	262	23	706
Lapse (-).....	...	...	-3	87	...	...	-6	-161	-3	82	-12	-350
Positions other than permanent.....	...	...	...	...	...	...	...	...	8	105	8	105
Special personal services payments.....	...	...	...	...	...	...	...	...	...	...	...	...
Total workyears and personnel compensation.....	...	...	...	...	...	...	...	...	...	...	...	23
Personnel benefits.....	1	18	-12	-388	...	...	16	569	14	285	19	484
Travel and transportation of persons.....	2	...	-38	...	...	...	53	...	20	...	43	...
Transportation of things.....	...	...	-18	...	...	...	105	...	630	...	777	...
Standard level user charges.....	...	...	...	...	...	...	2	...	18	...	20	...
Commodities & other rent.....	...	...	-23	...	...	...	30	...	36	...	43	...
Printing.....	...	...	-10	...	1,122	...	33	...	304	...	1,449	...
Other services.....	...	...	-4	...	...	...	17	...	41	...	54	...
Supplies.....	...	...	-4	...	...	...	1,529	...	1,110	...	2,635	...
Equipment.....	...	...	-7	...	...	...	22	...	97	...	112	...
Total workyears and obligations, 1982.....	1	20	-12	-496	...	1,122	16	2,371	14	2,674	19	5,691

Legal Activities

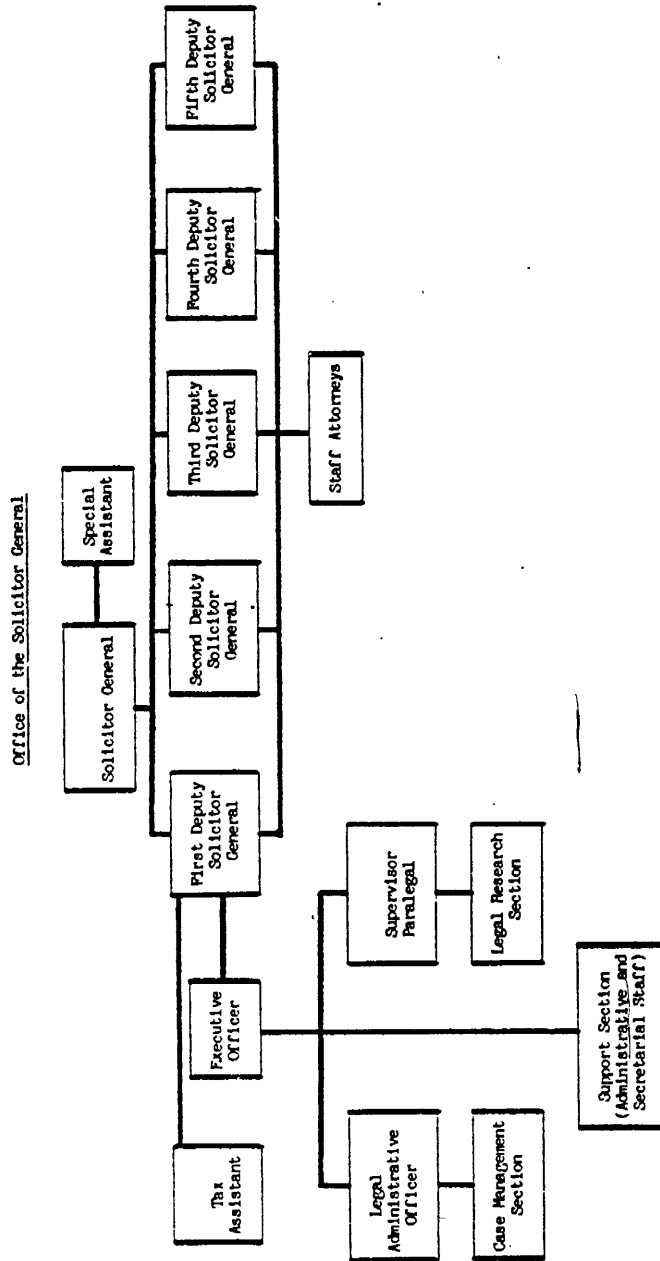
Salaries and expenses, General Legal Activities

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$55,308.....	1		0		...	
Executive Level IV, \$52,750.....	6		6		...	
ES-5, \$50,112.....	7		7		...	
ES-4, \$50,112.....	73		73		...	
ES-3, \$50,112.....	14		14		...	
ES-2, \$50,112.....	13		13		...	
ES-1, \$50,112.....	2		2		...	
GS/GA-15, \$44,547 - \$50,112.....	385		397		12	
GS/GA-14, \$37,871 - \$49,229.....	424		421		-3	
GS/GA-13, \$32,048 - \$41,660.....	352		355		3	
GS-12, \$26,951 - \$35,033.....	279		276		-3	
GS-11, \$22,486 - \$29,236.....	209		214		5	
GS-10, \$20,467 - \$26,606.....	4		4		...	
GS-9, \$18,585 - \$24,165.....	112		117		5	
GS-8, \$16,826 - \$21,875.....	94		94		...	
GS-7, \$15,193 - \$19,747.....	344		346		2	
GS-6, \$13,672 - \$17,776.....	275		275		...	
GS-5, \$12,286 - \$15,947.....	215		217		2	
GS-4, \$10,963 - \$14,248.....	102		102		...	
GS-3, \$9,766 - \$12,700.....	49		49		...	
GS-2, \$8,951 - \$11,265.....	15		15		...	
Total, appropriated positions.....	2,975	\$84,714	2,998	\$87,352	23	\$2,638
Pay above stated annual rate.....	...	327	...	337	...	10
Lapses.....	-183	-5,466	-164	-4,832	19	634
Savings due to lower pay scales for part of year.....	...	-86	...	...	...	86
Net permanent.....	2,792	79,469	2,834	82,857	42	3,388

Legal Activities
Salaries and expenses, General Legal Activities
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1981 Estimate Workyears	1981 Estimate Amount	1982 Estimate Workyears	1982 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Permanent positions.....	2,792	\$79,469	2,834	\$82,857	42	\$3,388
11.3 Positions other than permanent:						
Part-time employment.....	71	1,202	45	778	-26	-424
Temporary employment.....	78	1,309	78	1,332	...	23
Other part-time and intermittent employment.....	2	30	5	82	3	52
11.5 Other personnel compensation:						
Overtime.....	36	822	36	824	...	2
11.8 Special personnel services payments...	...	1,123	...	1,363	...	-366
Total, workyears and personnel compensation.....	2,979	84,561	2,998	87,236	19	2,675
12 Personnel benefits.....						
13 Benefits for former personnel.....		7,617		7,990		373
21 Travel and transportation of persons...		10		10		...
22 Transportation of things.....		6,853		9,484		2,631
23.1 Standard level user charges.....		194		233		39
23.2 Communications, utilities and other rent.....		6,499		7,109		650
24 Printing and reproduction.....		4,576		6,787		2,211
25 Other services.....		2,165		2,411		246
26 Supplies and materials.....		7,521		9,744		2,223
31 Equipment.....		952		1,118		166
91 Unvouchered.....		1,250		1,410		160
		20		20		...
Total obligations.....		122,178		133,552		11,374
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		12,264		14,769		
Obligated balance, end-of-year.....		-14,769		-17,692		
Outlays.....		119,673		130,628		



Solicitor General

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary

Activity: Conduct of Supreme Court proceedings and review of appellate matters	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
	47	51 \$2,879	47	51 \$3,012	47	51 \$3,012	...	...
Federal appellate activity							...	...

The Office of the Solicitor General is responsible for conducting and supervising all aspects of Government litigation in the Supreme Court of the United States. The Office also acts upon every case in which a decision is rendered in any court against the United States to determine whether an appeal will be undertaken. In addition, the Solicitor General also determines whether the Federal Government should file a brief as amicus curiae in any case of particular interest in any appellate court.

Long-Range Goal: To represent the Federal Government most effectively in the Supreme Court.

Major Objectives:

To conduct all aspects of Government litigation in the Supreme Court as effectively as possible.

To meet Supreme Court filing dates.

Base Program Description: The major function of the Solicitor General's Office is to supervise the handling of government litigation in the Supreme Court of the United States.

The Office of the Solicitor General is the Government's foremost legal office. The original Statutory Authorization Act of June 22, 1870, states: "there shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the solicitor general." As stated in 28 C.F.R. 0.20, the general functions of the Office are as follows: (1) conducting, or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) authorizing or declining to authorize appeals by the Government to all appellate courts (including petitions for rehearing en banc) and petitions to such courts for the issuance of extraordinary writs; (3) authorizing the filing of all briefs amicus curiae by the Government in all appellate courts; (4) surveying and listing appellate cases in the courts of appeals in which the Government is participating.

Accomplishments and Workload: Recent accomplishments and workload of the Office of the Solicitor General are presented as follows:

Government cases recently handled by the Office of the Solicitor General resulted in the following decisions by the Supreme Court, among more than 70 others: (1) the provisions of the Public Works Employment Act setting aside 10 percent of federal construction grants for minority business enterprises are constitutional; (2) the Freedom of Information Act requires federal agencies to disclose only those non-exempt documents that are within their custody and control; (3) the Federal Rules of Evidence do not embrace a common law "legislative privilege" that prohibits the Federal Government from introducing evidence of legislative acts by a state legislator in a federal criminal prosecution; (4) the Occupational Safety and Health Act allows an employee to refuse to perform an assigned task where he has a reasonable apprehension of death or serious injury and no less drastic alternative is available; (5) illegally-obtained evidence may be used for impeachment of a defendant's statement made in response to proper cross-examination; (6) the Hyde Amendment, which prohibits the expenditure of federal funds to provide abortions under the Medicaid program except where the life of the mother is in danger, is constitutional; (7) ruling home residents have no due process right to a hearing before a state may revoke the home's authority to provide them with nursing care at government expense; (8) the Equal Employment Opportunity Commission may seek classwide relief under Title VII of the Civil Rights Act without being certified as the class representative under Rule 23 of the Federal Rules of Civil Procedure; (9) a judge may consider, as one factor in imposing sentence, whether the defendant has refused to cooperate with law enforcement authorities in investigating related criminal activity; (10) under the enforcement sections of the Fifteenth Amendment, Congress is not limited to prohibiting purposeful discrimination but may outlaw voting practices that are discriminatory in effect; (11) the statute requiring the government to prove expatriation only by a preponderance of the evidence is constitutional; (12) Congress may lawfully provide a lower level of reimbursement of social welfare benefits in Puerto Rico than in the 50 states; and (13) the civil penalty provisions of the child labor statute are constitutional. In addition, the Office of the Solicitor General was successful in defending the President's decision to terminate the treaty with Taiwan and in persuading the Court not to review a challenge to the Attorney General's regulations requiring the verification of alien status of Iranian students.

The Office of the Solicitor General filed briefs as a friend of the Court in many other cases, including cases in which the Court held that: (1) the real estate brokerage business is within the coverage of the Sherman Act; (2) Title VII of the Civil Rights Act authorizes a federal court to award the prevailing party attorney's fees for legal services performed in prosecuting an employment discrimination claim in state administrative or judicial proceedings that Title VII requires federal claimants to invoke; (3) an agreement among competitors to eliminate the extension of trade credit constitutes a per se violation of the Sherman Act; (4) states may apply their workers' compensation schemes to land-based injuries that fall within the coverage of the Longshoremen's and Harbor Workers' Compensation Act; and (5) states may permit individuals to exercise free speech and petition rights on property of a privately-owned shopping center to which the public is invited.

In briefs filed for consideration by the Supreme Court during the upcoming Term, the Office has argued, among other things, that: (1) naturalized citizens who served as concentration camp guards during World War II may be denaturalized as a result of their concealment of that fact; (2) Federal statutes that allow the government to seek appellate review of criminal sentences do not violate the Double Jeopardy Clause; (3) the President is absolutely immune from personal damage liability for actions taken in the conduct of office; (4) the pledge of accuracy as collateral for a loan is an "offer" or "sale" within the meaning of the Securities Act of 1933; (5) the Federal Communications Commission has discretion to decline to review entertainment program format changes when it considers whether to renew or approve the transfer of a broadcast license; (6) the Federal Reserve Board may authorize bank holding companies to organize and manage closed-end investment companies to the extent permitted by the Glass-Steagall Act; and (7) Congress may, consistent with the Compensation Clause, limit or eliminate statutory annual cost-of-living increases for Article III judges.

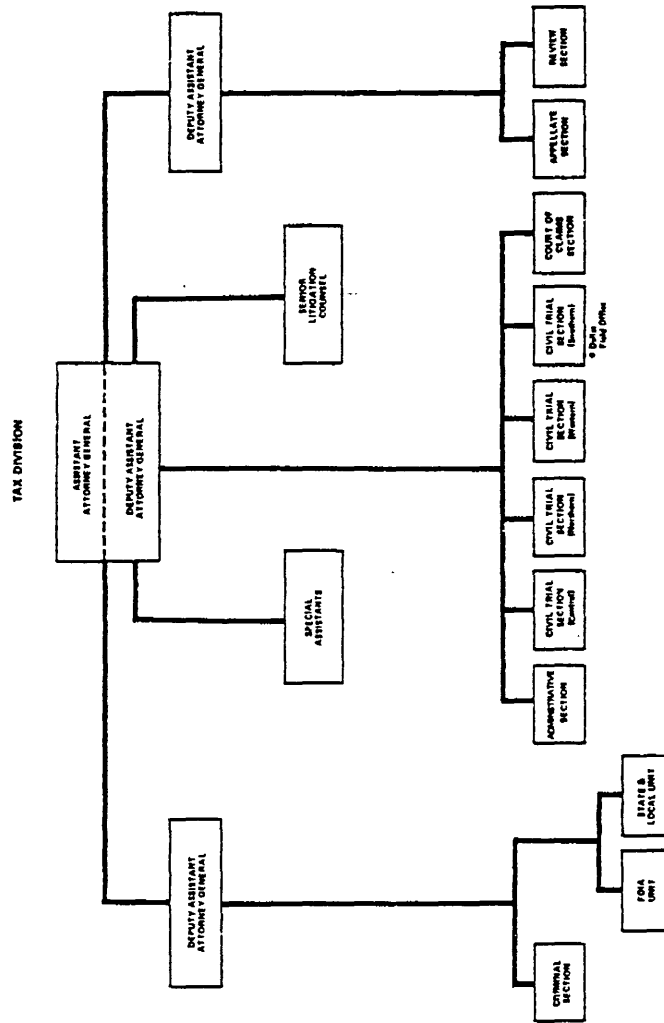
Cases: (figures based on Supreme Court terms)

	Actual		Estimates	
	1978	1979	1981	1982
Pending, beginning of term.....	399	418 1/2	424	439
Received.....	1,841	1,790	2,150	2,150
Terminated.....	1,824	1,842	2,135	2,135
Pending, end of term.....	416	366	439	454
Total cases on docket.....	2,240	2,208	2,574	2,589
Other Activities:				
Appellate decisions.....	1,461	1,607	1,767	1,767
Certiorari decisions.....	618	680	748	748
Miscellaneous decisions 2/.....	454	509	559	559
Total other activities.....	2,533	2,796	3,074	3,074

NOTE: All figures for Cases are based on Supreme Court terms; Other Activities figures are based on fiscal years.

1/ 1979 Actual column is adjusted in accordance with Supreme Court figures (Supreme Court now carrying Original Supplements as carryover cases).

2/ Miscellaneous decisions include the following: amicus participation, mandamus, rehearing, settlement, baille, stays, etc. This figure does not include oral arguments in the Supreme Court, conferences, correspondence, etc.



John Shanfield 9/3/19
 APPROVED: *John Shanfield* DATE: 9/3/19
 Acting, Associate Attorney General

Tax Division
Salaries and expenses, General Legal Activities

Crosswalk of 1981 Changes
(Dollars in thousands)

General tax matters	1981 President's		Congressional		1981 Supplemental		1981	
	Budget Request		Appropriation		Requested		Appropriation	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Federal appellate activity.....	91	90 \$3,490	...	...	...	...	95	96 \$3,790
Criminal tax prosecution.....	90	91 3,672	...	...	...	...	97	98 3,939
Litigation in defense of monetary claims.....	163	154 6,106	...	...	...	...	...	...
Litigation for the recovery of money.....	74	74 2,733	...	...	...	...	...	...
Litigation to enforce federal civil programs.....	36	36 1,298	...	...	...	...	...	...
Civil tax litigation activity.....	...	...	...	...	...	...	...	...
Judgment enforcement.....	5	5 130	...	...	...	...	13	7 202
Executive direction and control.	67	68 1,991	...	...	...	...	68	47 48 1,894
Administrative services.....	48	57 1,404	...	...	...	...	134	73 82 2,020
Total.....	574	575 20,824	...	...	...	...	717	574 575 21,541

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogramming

A reprogramming action was approved in order to provide a closer correspondence between the Division's management and its budget and to provide increased support in the collections area.

Supplemental Requested

The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981).

Tax Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

	1980 as Enacted		1980 Actual		1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
<u>Estimates by Program:</u>												
General tax matters:												
Federal appellate activity.....	95	96 \$3,446	94	94 \$3,240	95	96 \$3,790	95	96 \$3,923	95	96 \$3,923	...	...
Criminal tax prosecution.....	97	98 3,675	96	97 3,412	97	98 3,939	97	98 4,147	98	99 4,167	1	1 \$20
Judgment enforcement.....	7	7 185	7	5 111	7	7 202	7	7 212	7	7 212	...	...
Civil tax litigation activity.....	255	252 9,402	242	240 9,245	255	244 9,696	255	244 10,203	255	244 10,203	...	...
Executive direction and control...	47	48 1,766	47	47 2,120	47	48 1,894	47	48 1,946	47	48 1,946	...	...
Administrative services.....	73	82 1,839	73	95 2,018	73	82 2,020	73	82 2,125	73	82 2,125	...	...
Total.....	574	583 20,313	559	578 20,146	574	575 21,541	574	575 22,556	575	576 22,576	1	1 20
Other Workyears												
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...
Total Compensable	583		588		587		587		588		1	

Tax Division

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary

Activity: General tax matters	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Federal appellate activity.....	95	96	\$3,790	95	96	\$3,923	95	96	\$3,923	...	...	...
Criminal tax prosecution.....	97	98	3,939	97	98	4,147	98	99	4,167	...	...	\$20
Judgment enforcement.....	7	7	202	7	7	212	7	7	212	...	...	...
Civil tax litigation activity.....	255	244	9,696	255	244	10,203	255	244	10,203	...	...	...
Executive direction and control....	47	48	1,694	47	48	1,946	47	48	1,946	...	...	...
Administrative services.....	73	82	2,020	73	82	2,123	73	82	2,123	...	...	...
Total.....	574	575	21,541	574	575	22,356	575	576	22,376	1	1	20

This activity is responsible for the representation of the United States and its officers in all civil and criminal litigation arising under the Internal Revenue laws, with the exception of proceedings in the United States Tax Court. While its principal client is the Internal Revenue Service, the Division also represents a variety of Federal agencies in dealing with issues of state and local tax immunity. Of the myriad questions involved in administering a complex tax system, only a small portion come to the attention of the Division. The judicial resolution of these problems, however, is apt to be of wide application to large numbers of taxpayers and to contain strong precedents. The Tax Division's overview of this system nationwide, in conjunction with its centralized leadership role and expertise, contributes substantially to its ability to ensure that correct, precise, and uniform interpretations of the Internal Revenue laws are obtained in the courts. Such rulings serve as guidelines for the resolution of controversies for both the taxpayer and the agents of the Internal Revenue Service.

The Tax Division's responsibilities are divided into six primary programs: Federal appellate activity (organizationally, the Appellate Section), Criminal tax prosecution (the Criminal Section), Judgment enforcement (the Judgment and Collection Unit of the Review Section), Civil tax litigation activity (Civil Trial Sections Central, Northern, Western, and Southern, the Court of Claims Section), and the State and Local Unit). Executive direction and control (the office of the Assistant Attorney General, the Review Section, and the Freedom of Information and Privacy Unit), and Administrative services (the Administrative Section).

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease				
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount			
Federal appellate activity.....	95	96 \$3,790	95	96 \$3,923	95	96 \$3,923

Long-Range Goal: To ensure that the Government adopts and vigorously articulates correct and uniform positions on issues arising under the tax laws before the various Federal and state appellate courts, so that the tax laws will be fully and fairly enforced and the Internal Revenue Service and the taxpayer public will obtain authoritative judicial guidance on these issues.

Major Objectives:

To improve the quality of the Government's written and oral advocacy in those tax cases that are appealed to the various appellate courts, despite increasing workloads and despite diminishing time for preparation of briefs and memorandums resulting from court directives and the growth in the size of the Judiciary.

To develop interpretations of complex "new" tax statutes that will begin to appear before the appellate courts (e.g., the Tax Reform Act of 1976, the Revenue Act of 1978, the Bankruptcy Reform Act of 1978, the Energy Tax Act of 1978, and the Crude Oil Windfall Profits Tax Act), and to present those interpretations in such a persuasive manner as to ensure that they will be adopted by the appellate courts.

To expand the program's cadre of issue specialists and develop better methods by which the expertise of this program can be utilized by tax administrators and Government litigators throughout the country.

To develop methods by which program attorneys can assist the Division's trial attorneys in the handling of cases concerning tax shelters, so as to ensure that all cases involving the same tax shelter go to decision (and are appealed) on similar factual records and are argued in a consistent fashion.

To accelerate present program initiatives in the litigation management area, including the expansion of the appellate workload management data base, and the enhancement of appellate litigation research tools.

Base Program Description: This program is responsible for presenting the Government's written and oral arguments in all civil tax cases on appeal to the United States Courts of Appeals and to various state appellate courts. The program also is responsible for handling or supervising the presentation of both written and oral arguments in all criminal tax cases on appeal to the United States Courts of Appeals. While the United States Attorneys handle approximately 90 percent of such criminal appeals under this program's general supervision, an increasing number of these criminal tax appeals are both briefed and argued by the program's attorneys. In addition, this program is responsible for preparing the drafts of all pleadings and briefs to be filed in the Supreme Court in both civil and criminal tax cases. These filings include petitions for certiorari, responses to taxpayer petitions, briefs *amicus*, and briefs on the merits, all of which are handled in cooperation with the Office of the Solicitor General. Finally, this program's staff prepares recommendations for the Office of the Solicitor General with respect to: (1) the filing of petitions for certiorari in all tax cases lost by the Government in the court of appeals; (2) the filing of petitions for certiorari in all tax cases lost by the Government in the district courts and state courts; and (3) the prosecution of appeals in all those tax cases lost by the Government in the United States Tax Court, which are referred to the Department of Justice by the Internal Revenue Service.

Supreme Court activities constitute approximately 10 percent of this program's workload. Program staff is required to prepare a response to all taxpayer petitions for certiorari or, in a small fraction of criminal petitions, to determine in consultation with the Office of the Solicitor General that a response would not be appropriate. The paramount consideration in the decision to litigate any case through to the Supreme Court is the extent to which a particular suit is likely to promote the Federal Government's ability to obtain uniform, correct, and authoritative interpretations of the revenue laws. There are many subordinate factors to be considered, several of which are: the novelty and/or complexity of the issues involved in the case; the amount of money involved in the case and in similar cases currently in litigation; the case's potential precedential impact upon the revenue laws; and whether there are conflicting decisions in the various courts of appeals or the Court of Claims.

This program's activity in the 11 courts of appeals constitutes approximately 85 percent of its workload. The courts of appeals hear a greater number of cases than does the Supreme Court, primarily because of the fact that appeals to the courts of appeals may be taken as a matter of right. Program attorneys handle not only the briefing and motions with respect to courts of appeals cases, but their oral presentation in court, as well. This program also is responsible for briefing and arguing Government appeals in cases lost in the lower courts when the Solicitor General determines that an appeal should be prosecuted by the Government. Government appeals are taken only after the program's personnel have reviewed the case to determine whether an appeal would be appropriate, solicited the views of the Internal Revenue Service, and prepared, on behalf of the Tax Division, a memorandum to the Solicitor General analyzing the issues involved and making a recommendation as to whether an appeal should be authorized. While the impact of any single court of appeals decision is of a lower order of magnitude than a single decision of the Supreme Court, the decision of any court of appeals is binding law in its circuit unless, and until, overruled by the Supreme Court. In recent years, the Supreme Court has found it necessary to refuse certiorari in an ever-increasing number of cases, leaving the decision of the appellate court as the final authority in that particular circuit and a persuasive precedent elsewhere.

Appellate activity in the various state appellate courts is unique in the nature of the cases handled. These cases, which currently encompass approximately 5 percent of this program's workload, are primarily composed of two major case types: those involving Federal tax liens and those involving issues of intergovernmental tax immunity. The former class of cases derives from a wide variety of factual situations, including situations in which the priority of a Federal tax lien is in dispute; various security interests are being foreclosed upon; or tax liens are being enforced in probate, interpleader, or insolvency proceedings. The latter class of cases involves constitutional issues concerning the immunity of Federal agencies and their contractors from taxation by state and local governments.

Accomplishments and Workload: Accomplishments of the Federal appellate activity program are presented in the following table:

	Estimated		
	1979	1980	1981
Main briefs prepared	408	422	435
Reply briefs prepared	81	84	87
Briefs in opposition prepared	120	125	130
Oral arguments prepared and presented	263	310	315
Memorandums prepared	498	515	532
Dispositive motions prepared	200	185	192

During the past year, the Division has identified a number of attorneys who are particularly qualified to act as consultants with respect to litigation involving a variety of unusually complex legal issues; 43 percent of the specialists named in the Division's roster are members of this program's staff. The program's managers and senior attorneys also have been called upon to bring their expertise to bear upon legislative problems. For example, attorneys in this program devoted considerable time to advising Administration officials on the pending legislation dealing with the restructuring of the judicial mechanisms for resolving tax disputes; on legislation designed to permit certain public utilities or state regulatory bodies to obtain declaratory judgments as to the impact of utility rate orders on the utility's federal income taxes; and on certain ongoing legislative efforts designed to simplify the audit and collection of taxes from partnerships.

During 1980, this program has been successful in several significant tax and tax-related appeals in each of its areas of responsibility. For example, in *Dolase v. United States*, 605 F. 2d 1146 (C.A. 10, 1979), the Court of Appeals for the Tenth Circuit sustained approximately 90 percent of a \$1.5 million judgment in favor of the Government. The court held that the sizeable "advances" made by the corporations involved to their controlling shareholder were taxable to him as dividends and that most of the litigating expenses associated with that shareholder's divorce suit which had been underwritten by the corporations constituted personal expenses and, therefore, could not form the basis for a deduction for tax purposes. In *Lorch v. Commissioner*, 605 F. 2d 657 (C.A. 2, 1979), the Court of Appeals for the Second Circuit affirmed the Tax Court's decision in favor of the Commissioner. This case arose out of the financial difficulties experienced by the brokerage house of Hayden, Stone, & Company during the Wall Street "crunch" of 1970. The case presented the question of whether taxpayers (as well as approximately 100 other similarly situated parties whose cases were in various stages of development) were entitled to ordinary deductions for certain of the losses they incurred in the effort to revitalize the brokerage house.

Finally, in *United States v. County of Los Angeles*, 588 F. 2d 1308 (C.A. 9, 1979), the Court of Appeals enjoined the County of Los Angeles from assessing and collecting the California ad valorem personal property tax with respect to a ship known as the "Hughes Glowar Explorer," on the grounds that the ship was actually owned and controlled by the United States Government. In order to carry out a classified government mission, the United States Government entered into a contract with Global Marine, Inc. and the Summa Corporation which provided that Global Marine, as "contractor", was to construct a vessel (which later became known as the "Hughes Glowar Explorer") for the United States. Summa's role was to be only that of an undisclosed agent for the United States Government and to represent itself as the owner and operator of the vessel for secrecy purposes. Thus, according to the construction contract and registration papers, the ship was ostensibly built for, and owned by, Summa Corporation. While the vessel was operating off the west coast of California, the County assessor of Los Angeles County billed the Summa Corporation for \$4,395,000 for 1974 and \$3,119,000 for 1975 ad valorem property taxes, and attempted to seize the ship to satisfy these revenue obligations. The court of appeals held that the Summa Corporation had nothing more than naked legal title for purposes of security and secrecy, and that the "Hughes Glowar Explorer" was the property of the United States Government. Accordingly, it was immune from the California ad valorem tax.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Criminal tax prosecution.....	97	98	\$3,939	97	98	\$4,147	98	99	\$4,167	1	1	\$20

Long-Range Goal: To promote the integrity of the voluntary, self-assessment tax system in the United States by the application of standards of prosecution on a national basis and by the timely, consistent, and successful prosecution of those taxpayers who fraudulently attempt to evade their Federal tax responsibilities.

Major Objectives:

To evaluate, in a timely manner, all cases received from the Internal Revenue Service in order to determine whether prosecution is warranted.

To accept and handle fully all appropriate requests for grand jury and trial assistance from the United States Attorneys.

To handle directly and/or coordinate cases involving particularly troublesome and complex legal issues which will significantly impact the collection of the Federal revenue (e.g., tax shelter plans, "church" issues, and the tax protester movement.)

To comply more fully with the recent General Accounting Office recommendation that this program more closely coordinate its policies with, and provide long- and short-range planning to, its client agency, the Internal Revenue Service.

To conduct sessions of the Division's Criminal Tax Institute which directly promotes the successful prosecution of criminal tax cases by the United States Attorneys and, thereby, to limit the Division's allocation of attorney resources to cases of unusual complexity or difficulty.

To evaluate and monitor the initiation and progress of grand jury investigations being conducted in the United States Attorney's offices.

Base Program Description. This program is responsible for supervising the conduct of criminal cases involving various violations of the internal revenue laws and certain specified title 18 offenses committed in connection with the enforcement of the revenue laws. Taxpayer compliance will suffer when criminal prosecution is not consistently undertaken or, when undertaken, is not consistently successful. Significant noncompliance is a matter of great importance, not only with respect to the tax revenues lost, but also with respect to the basic question of fairness to taxpayers who voluntarily obey the internal revenue laws.

This program's responsibilities comprise three major functions: (1) case review and supervision; (2) grand jury activities; and (3) case preparation and trial. In addition, program activities in a number of other areas have begun to account for substantial commitments of resources.

The most significant responsibility, from the standpoint of resource allocation, is the area of case review and supervision. Upon receipt of a case, activities in this area can be divided between the initial review for prosecutive merit (and the preparation of appropriate prosecution memorandums), and the ongoing provision of general litigation support to the United States Attorneys and various Criminal Division units, including the Strike Forces, in the conduct of actual case prosecutions. The initial review for prosecutive merit consists of a complete, objective examination of all reports and exhibits furnished by the Internal Revenue Service. Frequently, the taxpayers request and are accorded conferences at which addition-

al documents and other information are submitted. After completing the examination of the documents and reports provided by the IRS, and any information submitted by the taxpayer, program attorneys prepare prosecution memorandums detailing the evidence available in the case, and make recommendations as to whether the Internal Revenue Service's theory should be accepted, rejected, or modified. Upon completion of this review, a final determination is made as to whether or not the case meets the legal and factual criteria for prosecution. If the case is approved for prosecution, it is transmitted to the appropriate United States Attorney's office for the initiation of prosecution.

Although over 90 percent of criminal tax prosecutions are conducted by United States Attorneys, this program's attorneys provide a wide variety of important litigation support activities for cases prosecuted in the field. These activities include: (1) serving as a readily accessible information source to United States Attorneys by providing telephone assistance regarding evidentiary problems, trial tactics, plea bargaining, and general trial matters; (2) preparing indictments and other pleadings; (3) preparing prosecutorial transmittal letters to United States Attorneys or declination letters to District Counsel; (4) evaluating, on behalf of the Assistant Attorney General, immunity requests pursuant to 18 U.S.C. 6001, et seq.; (5) providing memorandums of law, trial briefs, jury instructions, and other material upon request from the United States Attorney; (6) providing periodic instructional trial training programs for United States Attorney personnel, and providing trial training instruction for various training programs, such as the Attorney General's Advocacy Institute; (7) monitoring the status every 90 days, by telephone and/or letter, of cases pending in United States Attorneys' offices; (8) processing appeal questions, including the preparation of legal memorandums relating to these questions; (9) monitoring changes in the criminal tax laws by reading advance sheets, new statutes, and recent court rulings; and (10) writing electronic surveillance check letters and transmitting responses to United States Attorneys.

The second major function of the program is the review of requests to authorize grand jury investigations submitted by both the United States Attorneys' offices and the Internal Revenue Service. This is an area in which the program has experienced dramatic workload increases over the past several years. The vast majority of such requests arise out of Title 18 investigations which have been conducted by United States Attorneys, and in which it has become apparent that potential Title 26 violations may be involved. This program also has been heavily involved in the control and direction of major grand jury investigations conducted in various districts. Such grand jury investigations require substantial resource commitments in that they frequently involve complex legal and accounting issues, and often are multi-jurisdictional in scope.

The third major function of this program is that of case preparation and trial. The actual conduct of trials normally is the responsibility of the United States Attorneys; however, work is undertaken by this program's staff in any of several circumstances: when the case involves novel or complex issues of law or fact; when the United States Attorneys or various units of the Criminal Division request Division assistance in the trial of individual cases, as frequently occurs; and where major or multi-jurisdictional cases are brought against large corporations. Such cases are often among the most complex and difficult in the area of criminal tax prosecution, requiring significant commitments of staff resources and, in particular, considerable criminal tax law expertise. It is anticipated that, as criminal tax violations become increasingly sophisticated and require greater amounts of attorney time to prosecute, the United States Attorneys will request program assistance even more frequently.

Several additional activities also have contributed to this program's steadily rising workload, including: (1) attempts to increase the level of service which this program provides to its client agency - the Internal Revenue Service; (2) the evalu-

ation and processing of requests submitted by Government attorneys for authorization to compel testimony, pursuant to 18 U.S.C. 6001, et seq., and (3) the continuation of a series of Criminal Tax Institutes for the United States Attorneys. These Institutes, which involve virtually all of the supervisory staff of this program as well as the Division's leadership, consist of three-day training courses concerning the Federal prosecutor's trial of criminal tax cases. The objective of these courses, which optimally should be conducted twice each year, is to enable the United States Attorneys to become sufficiently familiar with the legal principles, techniques, and methods applicable to criminal tax cases, so that they will be better able to handle the many difficult cases referred to them for prosecution by this program.

Accomplishments and Workload: Accomplishments of the Criminal tax prosecution program are presented in the following table:

	1979	1980	Estimated	
			1981	1982
Cases Pending, Start of Year	3,745	4,329	4,109	4,009
Case Receipts	2,777	2,373	2,500	2,500
Case Terminations	2,193	2,593	2,600	2,650
Prosecution Memorandums Completed	1,781	2,024	2,300	2,350
Requests for Grand Jury Authorizations	160	293	320	340
Grand Jury Activities Completed				
Authorizations	153	307	330	340
Presentations	79	55	70	80
Investigations	11	14	14	14
Trials Completed	125	113	150	155

This program's primary accomplishments, however, are not quantitative in nature. The successful deterrence of violations of the criminal provisions of the tax laws depends upon the implementation of a balanced program of enforcement based on the geographical and occupational coverage of the population, and requires the swift investigation of various types of potential violations in all income brackets. This effort is supplemented by: 1) the identification of individuals who derive substantial income from certain illegal activities which, at the same time, violate the tax laws, 2) the identification of specific areas of non-compliance; and 3) the identification of special "high impact" cases involving major issues or significant dollar amounts.

This program has been successful in each of these areas. For example, the diversity of the geographical and occupational composition of this program's cases is evidenced by a sampling of the defendants in criminal tax cases during the past year: a restaurateur in Georgia, a donut salesman in Texas, a medical doctor in Virginia, a minister in Kentucky, a musical instrument store owner in Oklahoma, a printing business owner in Pennsylvania, the Allied Chemical Corporation, a reputed international narcotics trafficker in the District of Columbia, a plumber (and tax protester) in New Hampshire, the Firestone Tire and Rubber Company, a bailbondman in Connecticut, a grocery store owner in Hawaii, and a masonry contractor in Tennessee have all been involved in criminal tax prosecutions. Such variety inevitably has a favorable influence on voluntary compliance throughout the United States.

The rate of voluntary compliance also is influenced by the identification of special "high impact" cases. If, for example, a criminal tax conviction is given national, front-page media attention, this may have a deterrent effect on other taxpayers.

On November 1, 1979, Stephen Rubell and Jan Schrager pled guilty to attempting to evade their respective 1977 income tax liability and the income tax liability of the Broadway Catering Corporation for the fiscal year ending April 30, 1978. Rubell and Schrager are co-owners of the internationally famous discotheque, Studio 54. This investigation revealed that during the twenty-month period ending December 14, 1978, when the Internal Revenue Service executed a search of the Studio 54 premises, the corporation understated its gross receipts by approximately \$2,500,000, with a resulting tax deficiency of over \$1,000,000. This case commanded international print and broadcast media attention for several weeks.

This program also has been involved in several cases involving significant dollar amounts. For example, in *United States v. Douglas LaChance* (S.D. NY), on May 15, 1980, the defendant, president of the Newspaper Mail Delivery Union of Greater New York, was convicted on three counts of attempting to evade individual income taxes for the years 1976, 1977, and 1978. In addition, the defendant was convicted on 62 counts of Taft-Hartley Act violations, 50 counts of Hobbs Act violations, and one count of conducting the affairs of an enterprise through a pattern of racketeering activity. The total amount of income taxes the defendant attempted to evade was \$117,215.00 for the three-year period. In *United States v. Ernest L. Citron* (E.D. Mich.), on June 13, 1980, the judge handed down a verdict of guilty to all counts of a three-count indictment charging Ernest L. Citron, a Southfield, Michigan attorney, with attempted income tax evasion for the years 1970, 1971, and 1972. The non-jury trial was presented in six days interspersed over a period of six months. The total amount of income tax the defendant attempted to evade was approximately \$135,000.

Finally, during the past year, this program has attempted to provide a significant increase in the amount of service which it provides to its client agency - the Internal Revenue Service (IRS). The recent General Accounting Office (GAO) report which deals with IRS planning activities in the criminal tax area has, in effect, criticized prior levels of coordination between the policies of the Department of Justice and those of the IRS. The GAO has recommended that this program become more actively involved in the IRS's long- and short-range planning process and in the development of its enforcement goals. In addition, the GAO has recommended that this program more fully and carefully inform IRS personnel of the deficiencies in their investigations in order that future efforts will be more efficient and of higher quality. Moreover, GAO has recommended that IRS District Counsel attorneys provide more direct guidance to the Criminal Investigation Division's Special Agents during the course of their investigations, rather than merely reviewing the results of these investigations after their conclusion. If this change is in fact implemented by the IRS, the past detailed review of these investigations will no longer be possible within the IRS, and the burden of maintaining the quality and objectivity of the review process will fall more fully upon this program. In order to implement the recommendations of this and other GAO reports, this program will have to expend substantial additional resources in client agency service. During 1980, program staff have increased their policy coordination meetings with IRS personnel to the extent that several high-level attorneys meet with their Service counterparts at least every other week. Telephone consultations also have increased substantially. In addition, program attorneys have expanded the contents of "Declination Letters", advising Internal Revenue Service personnel of the reasons for declining cases, with the result that such letters are much more informative than they have been in the past. Finally, this program has increased its participation in IRS training sessions, and has furnished speakers, as requested, to all such programs. As additional GAO recommendations are implemented, the level of Division participation will increase even further during the coming years.

Program Changes: An increase of one position and \$10,000 is requested for 1982 for the Criminal tax prosecution program. This position will be utilized in the grand jury area of this program's responsibility. The Tax Division has been receiving an increasing number of requests for grand jury and trial assistance, and substantial increases are anticipated over the next several years. The considerable increase in grand jury activity is the result of substantial interest shown by the

Internal Revenue Service, as well as the Department of Justice, in pursuing complex, multi-jurisdictional, white-collar offenses associated with individual and corporate tax violations. Thus, as criminal tax violations become increasingly sophisticated and require even greater amounts of attorney time to prosecute, the United States Attorneys are expected to request program assistance with increasing frequency.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount
Judgment enforcement.....	7	7	\$202	7	7	\$212	7	7	\$212	...	...

Long-Range Goal: To collect in full, or to the maximum extent feasible, all outstanding judgments, fines, penalties, and appellate costs which are related to Tax Division cases and are due and owing to the United States.

Major Objectives:

To maximize collection activities in the first 90 days after a judgment is entered so as to ensure that collection contact is promptly made.

To establish and reinforce an understanding that every tax judgment will be vigorously enforced.

To increase the scope and depth of the background information included with each referral to the United States Attorneys, including, in many instances, specific recommendations for further action.

To monitor and account for payments due and owing in all revenue-producing cases handled by the Division.

Base Program Description: If the Federal system of self-assessment taxation is to function properly, individuals must have confidence in the Government's fair and consistent application of the internal revenue laws. This fairness and consistency extends to the actual collection of taxpayers' legally established monetary obligations to the United States. The Tax Division's Judgment and Collection Unit, the organizational component which comprises this program, was created in direct response to hearings held by the House Subcommittee on Governmental Operations, which highlighted the Justice Department's general difficulties in collecting outstanding judgments and fines owed to the United States.

It is the responsibility of this program to collect outstanding tax judgments, fines, and appellate costs owed to the United States which are related to cases handled by the Division. This program also monitors the activities of the United States Attorneys in their efforts to collect outstanding tax judgments and fines owed to the United States which were referred to the United States Attorneys by the program for collection action.

All civil cases under the jurisdiction of the Tax Division involving monetary judgments in favor of the United States are transferred to the Judgment and Collection Unit when they have become final and initial collection efforts have been unsuccessful. Criminal fines, however, are referred immediately to the Unit for the supervision of all collection activity. After a case has been received by the Unit, it is reviewed by a paralegal who identifies potential areas of collection and

formally opens the case by preparing a letter to the United States Attorney and the Chief Counsel, Internal Revenue Service. Additional information, if necessary, is requested from the Internal Revenue Service or the Federal Bureau of Investigation, or is gathered through the institution of supplementary proceedings by Division attorneys or by Assistant United States Attorneys. In addition, requests are often made for specific court documents, such as those relating to the collection of fines and civil judgments, terms of probation, or related civil actions. Substantially all correspondence is approved, and signed by the Paralegal-in-Charge of this Unit; correspondence of particular importance is signed by the designated Assistant Chief or the Chief of the Review Section.

This program's staff also periodically reviews its case files to ascertain whether requested actions have been taken by the United States Attorneys, to determine what further actions might be necessary, and to decide whether any of the cases should be closed as uncollectible and returned to the Internal Revenue Service. (A case is closed and returned to the Internal Revenue Service when financial investigation reveals that the taxpayer has no assets, there is no present prospect for effecting collection, and future prospects for collection are poor.)

Finally, this program also is responsible for conducting periodic inspections which are designed to identify and act upon collection problems experienced in United States Attorneys' offices throughout the country. These field evaluations are handled by the Paralegal-in-Charge and one or more of the Unit's paralegals. Such inspections involve the review of collection files, records, dockets, statistical reports, office procedures, and collection techniques employed by the Assistant United States Attorneys and their collection clerks.

Accomplishments and Workload: During 1979, \$2,258,983 was collected in criminal cases, and \$1,353,370 in civil cases, for a total of \$3,612,353.

This program's efforts with respect to civil judgments comprise only the most difficult collection matters. By the time a case reaches the Judgment and Collection Unit, either the Internal Revenue Service (through its administrative collection procedures prior to referral of the case to the Department of Justice) or the Division trial attorney (through lien foreclosure execution, or similar post-judgment measures) often will have recovered some portion of the collection from the known income or other asset sources of the taxpayer. It should be noted that strict dollar amounts are a rather "soft" measure of program productivity. There is not necessarily a direct relationship between the amount of work the program's staff performs (and how effectively it does this work) and the results it accomplishes. Other factors, such as the taxpayers' ability to pay, are of equal, if not greater, importance. Collections of criminal tax fines are substantially less difficult than civil collections and, therefore, are more a product of the volume of cases referred to the program than the amount of effort the program's staff is able to devote to these cases.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Ferm.	MY	Amount	Ferm.	MY	Amount	Ferm.	MY	Amount	Ferm.	MY
Civil tax litigation activity.....	255	244	\$9,696	255	244	\$10,203	255	244	\$10,203	...	...

Long-Range Goal: To ensure the proper and uniform interpretation of the Internal Revenue laws, the maximization of Federal tax revenues, and the fair and efficient resolution of disputed tax matters, through litigation to defend against taxpayers' claims, to recover outstanding tax liabilities, and to enforce Federal civil programs.

Major Objectives:

To reduce attorney caseloads in the defense of monetary claims area to below 50 cases per attorney, in the recovery of money area to below 140 cases per attorney, and in those enforcement of Federal civil programs suits retained for program handling to approximately 60 cases per attorney.

To increase the success rate in tax refund cases to above the 1978 rate of 74 percent, and increase the success rate in recovery of money cases to above the 1978 rate of 89 percent.

To defend successfully all injunction, declaratory relief, suppression, and mandamus suits so as to uphold the legality of the Government actions involved.

To litigate swiftly and effectively all disputes emanating from bankruptcy proceedings, by providing legal support to court judgments, establishing Government priority in relation to other creditors, and collecting all non-dischargeable debts.

To resolve equitably all legal conflicts which arise between, on the one hand, a taxpayer or third party's right to information concerning the policies and practices which the Internal Revenue Service follows in enforcing the tax laws and, on the other hand, the ability of the Service to conduct tax investigations effectively, the limitations on Governmental disclosure of tax return information imposed by Code Section 6103, 6110, and 7217, and the third-party confidentiality requirements imposed by the Freedom of Information Act and the Privacy Act.

To enforce vigorously all administrative summonses issued by the Internal Revenue Service, so that ongoing tax investigations will not be impeded.

To increase the volume of pre-trial discovery, in order to improve this program's ability to obtain favorable settlements where appropriate, and to maximize the opportunity for successful litigation in those cases not susceptible of settlement.

To assign more than one attorney to the most difficult and complex cases in order to combat the "team" tactics of private counsel, as well as to provide valuable on-the-job training to junior line attorneys.

To provide adequate secretarial and other support personnel, so as to maximize the time which attorneys can devote to legal matters, and to continue to upgrade equipment and training so as to increase secretarial and clerical efficiency.

Base Program Description: Because the Federal tax system, in the first instance, relies solely upon the taxpayer's self-assessment of his or her tax obligations, frequent controversies arise in which an Internal Revenue Service audit reveals a tax liability different from that previously determined by the taxpayer. Under the Federal tax system a taxpayer facing an asserted additional income, estate, or gift tax liability has the option of either withholding payment and challenging the liability in the Tax Court or paying the amount in dispute and thereafter exhausting his or her administrative remedies, filing a suit for refund of the amount at issue in a United States District Court or the Court of Claims. With respect to employment and excise taxes, however, the Tax Court option is not available. A refund suit, following at least a partial payment of the amount at issue, provides the taxpayer's only mechanism for judicial review. Similarly, a taxpayer who, independently of a tax audit, believes he or she has overpaid his or her tax obligation for a period for which a tax return

has been filed may, after exhausting available administrative remedies, file a suit for refund in a United States District Court or the Court of Claims. The trial of all refund suits brought against the United States in the District Courts and the Court of Claims is the responsibility of this program's defense of monetary claims area, while the trial of Tax Court cases remains the responsibility of attorneys in the Internal Revenue Service's field offices. In addition to its handling of tax refund suits, the defense of monetary claims area also defends the interests of the United States in a variety of other taxpayer claims, including: (1) suits to enjoin the assessment or collection of taxes; (2) suits seeking to remove tax liens; (3) suits against the United States for torts allegedly committed in connection with the collection of taxes; (4) mandamus suits; (5) declaratory judgment; and (6) wrongful levy actions.

When the efforts of the Internal Revenue Service to effect prompt collection of unpaid taxes through administrative action fail, this program is called upon to commence or participate in judicial proceedings to enforce collection of the unpaid taxes. The program is responsible for the recovery of all outstanding tax liabilities which have been correctly assessed by the Internal Revenue Service and are due and owing the United States. Staff attorneys litigate to obtain tax recoveries in situations in which a taxpayer has sought to avoid, defeat, or ignore payment of the tax; in which a taxpayer's assets have been placed in the hands of third parties to avoid payment of taxes; and in which a taxpayer's other creditors have sequestered his/her assets or have subjected the taxpayer to competing claims. In addition to its primary litigation responsibilities, this program also has oversight responsibility for approximately 6,000 actions brought each year against the United States pursuant to 28 U.S.C., Section 2410. This type of action involves the joinder of the United States as a party defendant because of a Federal tax lien upon an asset which is the subject of a foreclosure, condemnation, partition, or quiet title action. In the event that a Section 2410 lien case involves a substantive tax issue or a complex question of lien priority, the program generally retains the primary responsibility for defending the Government's interest. However, normally less than three percent of these cases involve substantive tax issues; the remaining 97 percent are reviewed by this program's staff to ensure that the jurisdictional prerequisites of the statute have been met, and then are forwarded to the various United States Attorneys' offices for litigation or other dispositive action.

When a tax-related problem reaches the level of a dispute between the taxpayer and the Internal Revenue Service or the Tax Division, the keystone to the resolution of the dispute often centers around who can control or gain access to the information involved in the dispute. In the last few years, large areas of tax practice have been impacted significantly by new "information" statutes and the litigation they have generated. Over 8,000 Freedom of Information (FOIA) administrative requests were filed with the Internal Revenue Service last year by taxpayers and their representatives, and these requests sought access to millions of pages of tax-related documents. Although the vast majority of these requests are handled administratively by the Service, they frequently result in litigation involving complex issues with respect to disclosure, access, and use of tax return information under Code Sections 6103, 6110, and 7217. The resolution of disclosure issues in litigation generated by such requests often will determine the way in which the Internal Revenue Service and the Department of Justice conduct entire tax enforcement programs. This program's enforcement of Federal civil programs area staff is called upon to provide effective litigation support and policy direction for this critical area of the Internal Revenue Service's tax enforcement program. This program also is responsible for litigation in support of the Internal Revenue Service efforts to obtain information through administrative summonses. A third major area of this area's activity involves the defense of declaratory judgment actions under the recently enacted Code Section 7429, which governs the qualification of an organization for tax-exempt status as a religious, charitable, educational, or scientific organization. Finally, this program has responsibility for the handling or monitoring of cases involving Federal immunity from state and local governments' attempts to tax the various installations or contractors of the Federal Government.

Accomplishments and Workload:

Item	1979	1980	Estimated	
			1981	1982
Cases Pending, Start of Year	6,102	6,420	6,716	6,891
Cases Received	4,061	3,844	4,135	4,310
Cases Terminated	3,743	3,548	3,960	4,055
Section 2410 Liens Reviewed	5,855	6,430	6,000	6,000
Summons Enforcement Actions Reviewed	3,409	3,317	3,550	3,600

The variety and complexity of issues involved in this program's cases are evidenced by the following sample of cases decided during the past year. First, in the defense of monetary claims area, in *E. I. duPont de Nemours & Co. v. United States* 608 F. 2d 445 (Ct. Cl., 1979), the Government succeeded in establishing that the taxpayer had sold its products to its overseas "tax haven" subsidiary at prices far below fair market value and, accordingly, that to prevent the evasion of taxes or to clearly reflect the parties' income, a substantial portion of the subsidiary's income should be taxed to its U.S. parent. The case involved approximately \$13 million in tax for the years 1959 and 1960, and the decision will likely control the taxation of succeeding years' income in even larger amounts.

In another defense of monetary claims case, *Church of Hakeem, Inc. v. United States of America*, the Court in holding in favor of the Government, denied plaintiff's motion for a preliminary injunction and refused to order either the removal of all Federal levies, the return of a 105-foot yacht named the "Rasheed Academy", or the return of monies totalling \$1,534,044.44 alleged to have been wrongfully levied upon and seized by the Internal Revenue Service in satisfaction of the outstanding tax liability of the plaintiff's leader and founder, Hakeem Abdul Rasheed. On January 17, 1979, the Service made an assessment against Rasheed in the amount of \$1,533,853.00. This assessment was based on a determination that Rasheed had converted huge amounts of the plaintiff's revenue into personally controlled assets, namely, a large yacht and substantial bank accounts.

In the recovery of money area, *Conforte v. United States*, 457 F. Supp. 641 (D.C. Nev., 1978) provides an example of the litigation which this program often must undertake in order to protect the Government's rights with respect to tax revenues. In this case, which arose under Section 7429 of the Internal Revenue Code as a result of a jeopardy assessment amounting to in excess of \$3,000,000, the plaintiff, an operator of brothels in Nevada who had been previously convicted of tax evasion and sentenced to 20 years imprisonment (but was free on bail pending appeal), contended that the jeopardy assessment was unreasonable because the taxes assessed would be collectible without resort to jeopardy procedures. The program's attorney, however, added information which showed, in addition to the plaintiff's prior conviction for tax evasion, that his assets were for sale; that his records were inadequate for reporting income; that, but for the jeopardy assessment, judgments in levies pending against him could take precedence over the Government's claim for taxes; that he had previously concealed his ownership of certain of his properties; and that he had a passport, assets, and bank accounts outside the United States and had expressed an intention to leave the United States. Based upon this information and the plaintiff's failure to prove that the amount of the assessment was inappropriate, the Court held that the making of this assessment was reasonable and that the amount assessed was appropriate. As a result, liens asserted against the plaintiff's property were maintained and the possibility of his absconding with tax revenues was prevented.

Another excellent example of the problems encountered in recovery of money litigation is a case entitled In the Matter of Home-State Production Co. (N.D. Okla.). In this bankruptcy case, the assets of the debtor, the operator of one of the biggest "ponzi" schemes in recent times, were claimed both by victimized investors and the Government. The Government was confronted with considerations of fairness in the handling of its claim, which amounted to in excess of \$10,000,000 including interest. As a result of the program's efforts, the trustee in bankruptcy submitted an offer to settle the Government's claim with a payment of \$3,243,000. The offer was accepted subject to the approval of the victimized investors.

In the enforcement of Federal civil programs area, although the caseload is relatively small, cases often require tremendous amounts of attorney time. In the FOIA/PA area, for example, a single major FOIA access suit similar to those recently brought by such large national corporations as Anheuser-Busch or Zale is likely to involve tens of thousands of documents and potentially hundreds or even thousands of individual legal and factual determinations as to whether particular documents are disclosable, in whole or in part. In the Zale case, after the expenditure of more than 1,000 hours of time by program attorneys and numerous hours by Service agents, this program developed an excellent record and successfully resisted a massive FOIA suit which initially sought access to over 500,000 documents involved in an ongoing criminal tax investigation. Of even greater importance, however, was the Court's position in Zale that a determination, under Code Section 6103(b)(6), that the requested disclosure would interfere with Federal tax administration takes precedence over the FOIA's disclosure requirement. This holding has been very useful in defending other FOIA suits; however, without the aggressive and time-consuming defense of that suit, this program could not have developed the factual and legal predicates for this favorable precedent.

Enforcement of Federal civil programs cases also often involve enormous monetary exposure to the Federal fisc. In the area of Federal Government immunity from state and local taxation, for example, in three related cases alone, all captioned United States v. California State Board of Equalization, this program has been successful in collecting over \$29 million in refunds of California sales and use taxes illegally imposed on Federal installations in that State since July, 1976. Furthermore, there is currently active litigation involving subsequent tax periods, in which the program is seeking immediate refunds of up to \$5 million. A favorable decision also will result in a continuing future impact of several millions of dollars per year.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Ferm.	WY	Amount	Ferm.	WY	Amount	Ferm.	WY	Amount	Ferm.	WY	Amount
Executive direction and control.....	47	48	\$1,894	47	48	\$1,946	47	48	\$1,946	...	...	...

Long-Range Goals: To provide continuing direction, focus, and leadership to all Division programs; to provide enhanced library support to the Division; to determine which cases should be conceded and which defended as well as to evaluate controversial settlements or those which are particularly significant in terms of issues and/or money; to identify, and review thoroughly, proposed legislation of interest to the Division, responding to all inquiries in the legislative area in a timely manner, and bringing to bear this program's expertise in tax litigation upon the development of legislative solutions to frequently recurring problem areas; and to ensure the fulfillment of the Division's administrative responsibilities under the FOIA, the Privacy Act, and Section 6103 of the Internal Revenue Code.

Major Objectives:

- To ensure the maintenance of precise, consistent, and uniform litigating positions.
- To enhance Division liaison and relations with the Internal Revenue Service.
- To maintain a complete and up-to-date tax library, including the use of LEXIS as a legal research tool.
- To promote the maintenance of a thorough and timely settlement review process.
- To monitor and provide timely review, analysis of, and comment on proposed legislation affecting the Division and the administration of the Internal Revenue laws.
- To conform to both the legislatively prescribed response deadlines and statutorily mandated tax return information confidentiality requirements in the handling of FOIA and Privacy Act administrative request matters.

Base Program Description: Direction, focus, and leadership in each area of its activity are prerequisites to the Tax Division's ability to discharge successfully its responsibilities as legal counsel to the Internal Revenue Service and other client agencies. This program is responsible for five primary activities: Policy Development and Implementation/Management; Library Support; Settlement Review; Legislative Support; and Freedom of Information and Privacy. These responsibilities must be performed in a manner which will promote the highest degree of taxpayer confidence in the fair and uniform application of the Internal Revenue laws.

The Policy Development and Implementation/Management program provides leadership for the Tax Division in all areas of its litigation responsibilities, and its staff personally represents the Division's position on a variety of issues of interest to client and other outside agencies, the Congress, and various public interest organizations. Organizationally, this program's staff encompasses the Assistant Attorney General and his immediate policy staff, the Division's library staff, and the staff of the Review Section. The primary activities for which this program is responsible are: (1) providing civil and criminal tax litigation policy leadership, guidance, and support; (2) promoting effective communication flows and strengthened liaison with the Internal Revenue Service and other client agencies; (3) delivering essential library support services to the Division's attorney and support staff under the guidance of a Library Committee appointed by the Assistant Attorney General; (4) reviewing the Division's major litigation decisions in order to ensure that uniform national policies are being developed and maintained; and (5) evaluating and making recommendations on those compromises effected by the Division which (a) involve sharp differences of opinion, (b) have been classified as "prize" because of the issues involved, or (c) involve concessions by way of compromise in excess of the authority delegated to the Civil Trial Sections' Chiefs.

In the Legislative Support Activity program area, program staff, under the direction of the Special Legislative Counsel, are responsible for preparing the continuing flow of reports to the Congress, the Office of Management and Budget, the Office for Improvements in the Administration of Justice, and the Office of Legislative Affairs concerning pending or proposed legislation; coordinating the Division's legislative efforts; and identifying legislative proposals of interest to the Division, in order to alert and educate those concerned with such proposals as to the Division's views. This program's workload has expanded rapidly during the past several years, with the result that it must rely on the support of the Division's leadership and senior experts from each of the litigating sections to assist in the performance of these activities.

Finally, in the FOIA/PA administrative area, the Freedom of Information and Privacy Unit is responsible for developing and coordinating the Division's response to all taxpayer requests under the Freedom of Information and Privacy Acts and related statutory provisions, and for handling administrative appeals arising from the denial of such requests. This Unit, as a result of the continual pressures of legislatively or court-mandated response deadlines, has, on occasion, required staffing assistance from the Division's litigating sections. The sensitive nature of this Unit's activities requires frequent staff contact with the Assistant Attorney General and his Deputies, as well as with the Department's Freedom of Information Appeals Unit.

Accomplishments and Workload: During the past year, the Policy Development/Management area's major accomplishments have included: (1) the increased participation of Division leadership in seminars, committees, and task forces in order to provide assistance and recommendations on a variety of issues to the Department and other interested agencies. During the past several months, for example, the Division's leadership has met with such varied groups as the New Jersey Tax Institute, the United States Attorney's Advisory Council, the Federal Bar Association, and the Southern Arizona Estate Planning Council; (2) the establishment of the Advisory Committee on Tax Litigation. This Committee, which is scheduled to meet at least twice a year, is designed to: (a) provide an organized public forum for the discussion of relevant tax litigation issues between officials of the Department of Justice and representatives of the public; (b) review and consider problem areas arising in the litigation and settlement of tax cases, and propose solutions to these problems; and (c) review and consider civil and criminal tax litigation procedures, balancing the needs and rights of both taxpayers and the United States, and recommending improvements in these procedures as necessary. Finally, this program has taken several steps to enhance the Division's library facilities through the installation of LEXIS and the implementation of an ongoing "legislative history" bound volumes program.

In the review and settlement area, the Division has developed two important initiatives to expedite and streamline the processing of settlements. First, in those cases in which a Review Section attorney has attended a settlement conference and has actively participated in settlement negotiations, and if the Civil Trial Section attorney agrees, the Review Section attorney will prepare the Division's settlement memorandum and the trial attorney and his/her Chief will merely endorse the memorandum. Second, in those cases where the Internal Revenue Service has recommended a Government concession, the trial attorney and his/her Section Chief may simply note their concurrence and transmit the files to the Review Section for final action. In addition, the settlement authority of the Chief of the Review Section has been increased from \$200,000 to \$500,000 with respect to claims against the Government (\$200,000 in cases requiring reference to the Joint Committee on Taxation) and \$250,000 with respect to claims on behalf of the Government provided there is no conflict of recommendations.

The following table provides an indication of the actual and estimated caseload in the settlement review area:

	1977	1978	1979	1980	Estimated	
					1981	1982
Cases Pending, Start of Year	73	84	82	93	84	66
Cases Received in Review Section	382	414	610*	437	452	470
Cases Closed in Review Section	203	252	469*	335	350	370
Cases Closed at Higher Levels	168	164	130	111	120	120

*includes 230 cases settled as a result of the enactment of Section 530 of the Revenue Act of 1978.

In the legislative support area, substantial efforts were expended on: legislation to revise those sections of the Internal Revenue Code which dealt with technology, and discharge of indebtedness legislation to make technical corrections to the Code enacted by P.L. 95-598; privacy legislation; proposals to permit awards of attorneys' fees against the Government; interpretative problems deriving from the amendment of Section 6103 of the Code by section 1202 of the Tax Reform Act of 1976 (which restricts access to tax returns and return information); the Revised Criminal Code; proposals to revise the standing to sue rules relative to tax cases; legislation to restructure the Federal appellate court system and to create a court of tax appeals; congressional hearings on the illegal use of offshore tax havens; and proposals pertaining to the revision of the laws dealing with employee versus independent contractor status.

Finally, because of the rapidly evolving developments in the Freedom of Information and Privacy area, it has been difficult to develop quantitative performance measures to depict the activities of the FOIA/PA administrative request program. However, this area's current workload data illustrate one basic area of concern: the number and complexity of the legal and administrative problems associated with these requests have dramatically increased as the private tax bar has begun to perceive the advantages associated with filing FOIA and Privacy Act requests in conjunction with criminal or civil tax controversies involving the Internal Revenue Service and/or the Tax Division.

The Freedom of Information and Privacy area's workload is presented in the following table:

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>Estimated</u> <u>1981</u>	<u>1982</u>
Workload Inputs.						
FOIA/PA Initial Requests Pending*	24	36	71	90	177	177
FOIA/PA Administrative Appeals Pending*	**	15**	16	20	21	21
FOIA/PA Initial Requests Received	340	312	231	284	250	250
FOIA/PA Administrative Appeals Received	**	3**	8	13	12	12

Workload Output.

FOIA/PA Initial Requests Handled	328	277	212	197	250	250
FOIA/PA Administrative Appeals Handled	88	288	4	12	12	12

*Start of Year

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease Perm.	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Administrative services.....	73	82 \$2,020	73	82 \$2,125	73	82 \$2,125	...	...

Long-Range Goal: To provide enhanced administrative support services to all programs of the Tax Division through both the continued performance of current activities and the identification of those areas in which state-of-the-art administrative management techniques, modern office practices and equipment, and other innovations can be utilized to support the Division's mission.

Major Objectives:

To respond to all requests for management and budgetary information and data, as required by the Department, the Office of Management and Budget, and the Congress; and to conduct program evaluations and analyses as required for the enhancement of all Division programs.

To satisfy, in a timely manner, all internal requirements concerning the obligation of funds for travel and other Division operations and to participate in the Department's automated Financial Management Information System.

To provide planning analyses and administrative management reports through the development, implementation, and operation of the automated data processing facilities available within the Division.

To handle all personnel actions in a timely and appropriate manner, both to meet internal staffing requirements and to ensure compliance with Department and Office of Personnel Management requirements.

To focus greater attention on the recruitment and training of Division personnel.

To acquire the necessary equipment, supplies, and space in order to provide for the most efficient operation of the Division.

To ensure the timely distribution of all files and correspondence, both internal and external, and provide competent record keeping and security activities in order to provide maximum availability and access within the mandates of the Tax Reform Act of 1976.

To enhance the quality and the speed of turnaround time required for the duplication of court filings and other printed materials produced by the Division.

Base Program Description: This program is responsible for providing a variety of administrative support services to the Tax Division's litigation programs. These services, performed under the general direction of the ranking Deputy Assistant Attorney General, include: administrative management; financial management; computerized litigation management; program evaluation; litigation support; personnel management; procurement; supply, and contract administration; space management; security; records and mail services; duplicating services; and other matters pertaining to the organization, management, and administration of the Division.

The activities of this program's sub-divisions are discussed briefly below:

Executive Office. This Office includes the administrative management, litigation support, and security components of the program. The Executive Officer and his assistants have responsibility for providing the overall control and guidance to the program. In addition, this Office has responsibility for responses to congressional and public mail inquiries, post-litigation document processing, attorney hiring practices, and the provision of security procedures in order to ensure Division compliance with the Tax Reform Act of 1976 and to maintain the overall security of the Division's facilities.

Financial and Program Management Staff. This Staff is responsible for the Division's budget and automated data processing operations. The Financial Management Unit is responsible for budget formulation, execution, and presentation; fiscal and accounting services; and program evaluation. This Unit's activities include: the control of all obligations and expenditures; the development, preparation, and implementation of the Division's budget; and the development of management reports based on the ongoing evaluation of all Division programs.

The Program Systems Unit is responsible for the development, coordination, maintenance, retrieval, and evaluation of Case Management System data relating to all civil, criminal, and appellate cases and related matters in the Division. The Unit's activities are designed to provide critical time-reporting, case issues, docket control, and related litigation management reports to tax division officials and other Department offices and Federal agencies. This Unit also is responsible for the development, testing, and maintenance of the Internal Division programming requirements necessary to support the budgetary and fiscal planning and personnel data bases, and the generation of accurate and timely reports in a variety of areas from the Case Management System and associated data bases.

Management Operations Staff. The Management Operations Staff is responsible for the personnel management, resource services, and case and file control components of this program. The Personnel Management Unit is responsible for a wide variety of personnel administration and management activities including: the coordination of Division training (comprising Division, Department, and contractor offerings); recruitment; the compilation of personnel statistics; and the monitoring of ceiling and workyear levels. The activities of the Resource Services Unit include: procurement, supply, and contract administration; tangible property control, including distribution, accountability, inventory control, and the disposal of excess property; the planning of office space and furnishings; telecommunications; and printing and duplicating services. Finally, the Case and File Control Unit is responsible for the records and mail services, the activities of which include: records management surveys; retirement and disposition of records; files' security; microfilming; routing and control of correspondence; custody of legal and administrative files; and the sorting and dispatching of incoming and outgoing mail.

Accomplishments and Workload. The primary function of this program is to provide those support services essential to the effective and efficient accomplishment of the goals of the Division's several litigation programs. Thus, this program's activities are most appropriately measured and evaluated in terms of performance, that is, the quality of the services provided. Direct workload measures, such as number of personnel actions taken, purchase orders issued, items of mail delivered, or cubic feet of files retired, do not provide valid indicators of this program's workload or productivity. It is the continued enhancement of the levels and quality of services, not their measurement in terms of input or output, that provides the essentially qualitative basis for evaluating this program's accomplishments.

During the past several years, this program has instituted a number of major innovations designed to improve the support services which it provides to the Division. In the area of litigation management, the Tax Division's Case Management System was designed to replace the Tax Caseload Inventory System maintained at the Department's Data Center. This System's goals include: 1) improved case docketing and control and information retrieval; 2) accelerated budget and workload planning capabilities; 3) improved attorney case distribution; 4) the provision of fully automated legal research capabilities; 5) the installation of a fully automated suspense system; and 6) the development of improved Division-wide statistics and related information.

The primary current and future modules or major applications which comprise the Tax Division's Case Management System are:

Case Information and Docket Tracking - provides the prime identifying information for each case, such as the case type, File Number, District, court, filing status, and the section and attorney responsible.

Case Status and Activity History - provides further detailed information concerning important attributes of each case (e.g., the specific issues involved, the statute or cause of action, the statute of limitations date, the amount of money involved, and the date of filing), as well as the various activities conducted by the attorneys in order to dispose of the case in an effective and efficient manner.

Critical Due Date Monitoring - provides for the recording of important litigation activity due dates (e.g., answer due, notice of appeal due, trial date set, and brief due), the primary purposes of which are to ensure that required litigation actions are completed in a timely manner and to avoid situations in which competing deadlines detract from the quality of Division work products.

Case Disposition Analyses - provides for the monitoring of the outcomes of all cases (e.g., the type of dispositive action, whether favorable or unfavorable to the Government, and the resulting monetary or prosecutorial impact of each case). Litigation Research and Support - provides for the identification and retrieval of the various issues involved in each civil case, the purpose of which is to assist Division attorneys in locating active or completed cases germane to a particular case they are actively preparing.

Attorney Time-Reporting and Case Resource Weighting - provides for the identification of the resources required to litigate both individual cases and the various categories and types of litigation handled by the Division.

In addition to the litigation management initiatives discussed above, this program also has been active in a variety of other areas. In the area of secretarial recruitment and training, the completion of a detailed analysis of the Division's secretarial needs has resulted in efforts to: (1) provide all secretaries with a variety of reference materials; (2) provide, in cooperation with the Office of Personnel Management, special training courses for secretaries, including Proof-reading and Grammar; (3) revise and update the Division's Guide for the Preparation of Written Communications which provides information pertaining to legal and administrative forms and procedures; and (4) produce a videotaped training film entitled "The Role of the Tax Division in Government Litigation", which includes a composite case scenario of a hypothetical tax case.

The accomplishments of the other components of this program are discussed briefly below:

Financial Management Unit - This Unit has developed an automated travel expenditures program which tracks the current status of each travel authorization, voucher, and refund check. This program, while providing a timely method of monitoring Division travel expenditures, has resulted in a considerable savings of Unit effort in the compilation of several monthly reports. This Unit also has been active in the development of several management reports based on the Division's Attorney Time-Reporting data.

Personnel Management Unit - This Unit has developed an automated personnel data base, which enables the Division to maintain up-to-date records concerning such information as employees' office locations and telephone numbers, home addresses, position data, salaries, promotions and within-grade histories and due dates, and health program options. This data base is utilized by the personnel staff to evaluate and analyze ceiling status, lapsed workyears, and vacancies; to exercise position control, including the tracking of critical due dates; and to assist in the preparation of Standard Form 32's.

Case and File Control Unit - This Unit, in conjunction with the Justice Management Division's Records Maintenance and Disposition Section, conducted a comprehensive study of the Tax Division's paper flow. New procedures in the areas of mail classification, docketing, and files activities have been implemented and are expected to significantly reduce processing time and the incidence of errors.

Tax Division
1982 Funding Request
Priority Ranking of Programs

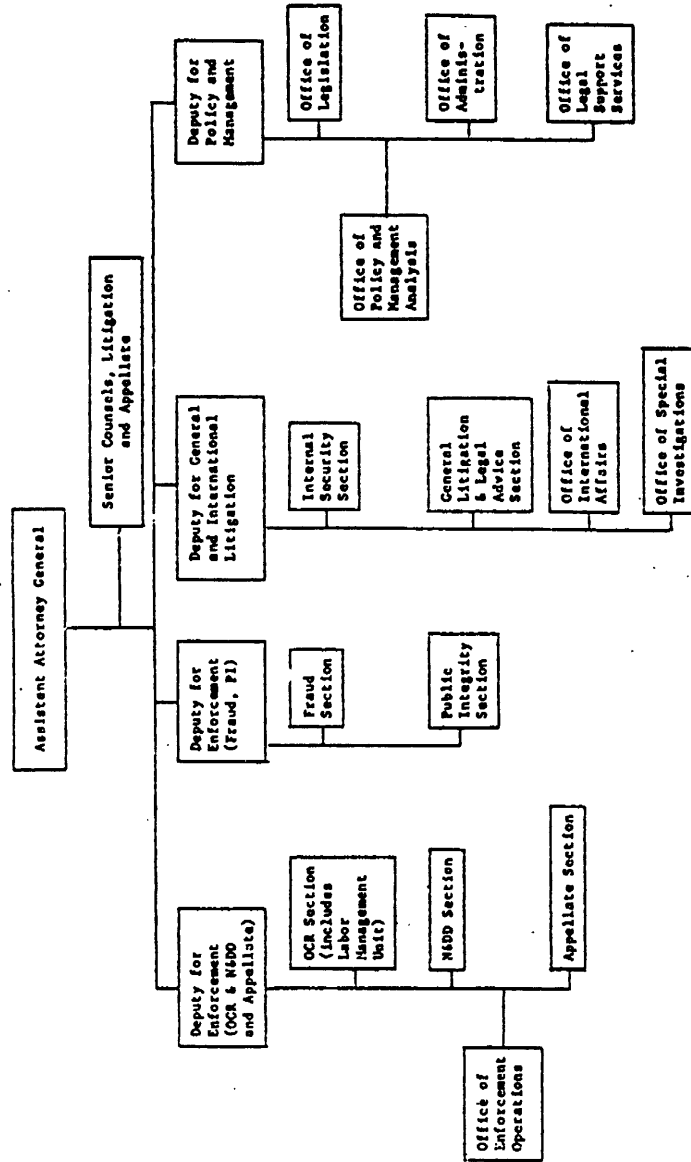
RANKING

1
2
3
4
5
6

PROGRAM

Criminal Tax Prosecution
Civil Tax Litigation Activity
Federal Appellate Activity
Executive Direction and Control
Administrative Services
Judgment Enforcement

CRIMINAL DIVISION:



January 5, 1981

Criminal Division

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation Actions On		Reprogramming		1981 Supplementals Requested		1981 Anticipated	
	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.
Federal appellate activity.....	56	\$1,952	...	\$-62	...	...	...	...	56	\$1,963
Organized crime prosecution.....	262	11,018	...	43	...	...	...	...	262	11,361
Public Integrity.....	56	1,789	...	-1	...	...	...	...	56	1,861
Fraud.....	112	4,238	-20	-15	-827	...	...	...	92	85
Narcotic & dangerous drug prosecution.....	46	1,545	...	-3	...	...	...	...	46	1,602
Internal security.....	37	1,364	...	47	...	...	...	...	37	1,419
General litigation & legal advice.....	63	2,342	...	410	...	...	...	...	63	2,434
International affairs.....	9	412	...	41	...	...	...	...	9	425
Legal support services.....	50	1,388	...	46	...	...	...	...	50	1,459
Office of special investigations.....	50	2,376	...	42	...	...	...	...	50	2,453
Executive direction & control.....	39	1,619	...	42	...	...	...	...	39	1,672
Administrative services.....	50	1,052	...	41	...	...	...	...	50	1,128
Policy & management.....	26	846	...	44	...	...	...	...	26	884
Total.....	856	31,941	-20	-15	-837	...	...	...	836	32,192

Supplementals Requested

The pay raise (Executive Order 12248), October 5, 1980, as modified by P. L. 96-369, continuing appropriations, 1981.

Criminal Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Budgeted			1980 Actual			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	MY	Ant.	Perm.	Pos.	MY	Ant.	Perm.	Pos.	MY	Ant.	Perm.	Pos.	MY	Ant.	Perm.	Pos.	MY
Federal appellate activity.....	61	55	\$2,020	61	49	\$1,915	56	46	\$1,963	56	46	\$2,075	47	37	\$1,691	-9	-9	\$-384
Organized crime prosecution.....	262	249	10,562	258	233	9,959	262	240	11,361	262	240	11,991	262	240	11,991	...	...	...
Public Integrity (corruption).....	56	51	1,802	56	41	1,738	56	52	1,861	56	52	2,016	56	52	2,016	...	...	...
Prison.....	92	85	3,423	92	80	3,512	92	85	3,531	92	85	3,821	92	85	3,821	...	...	...
Narcotic & dangerous drug prosecution.....	46	40	1,528	46	34	1,443	46	42	1,602	46	42	1,738	46	42	1,738	...	...	...
Internal security.....	37	33	1,344	37	34	1,217	37	33	1,419	37	33	1,502	37	33	1,502	...	...	...
General litigation & legal advice.....	59	52	2,166	59	55	2,317	63	55	2,434	63	55	2,575	63	55	2,575	...	...	...
International affairs.....	9	10	485	9	10	434	9	9	425	9	9	454	9	9	454	...	...	...
Legal support services.....	50	49	1,363	50	49	1,285	50	50	1,459	50	50	1,563	50	50	1,563	...	...	...
Office of special investigations.....	50	45	2,399	50	45	2,241	50	47	2,453	50	47	2,600	50	47	2,600	...	...	...
Executive direction and control.....	39	39	1,550	39	43	2,013	39	38	1,672	39	38	1,756	39	37	1,718	-1	-1	-38
Administrative services.....	50	50	1,033	50	51	1,352	50	50	1,128	50	50	1,203	50	49	1,167	...	...	-36
Policy and management.....	26	23	834	26	24	858	26	24	884	26	24	940	26	23	902	...	...	-38
Total.....	836	781	30,509	832	748	30,284	836	771	32,192	836	771	34,234	827	759	33,738	-9	-12	-496
Other workyears																		
Holiday.....		1			1			1			1			1				...
Overtime.....		2			2			2			2			2				...
Total compensable workyears.....		784			751			774			774			762				...

Criminal Division
Justification of Program and Performance
Activity Resource Summary

Activity: Criminal Matters	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Ferm. Pos.	WY	Amount	Ferm. Pos.	WY	Amount	Ferm. Pos.	WY	Amount	Ferm. Pos.	WY	Amount
Federal appellate activity	56	46	\$ 1,963	56	46	\$ 2,075	47	37	\$ 1,691	-9	-9	-\$384
Organized crime prosecution	262	240	11,361	262	240	11,991	262	240	11,991	...	...	...
Public integrity (corruption)	56	52	1,861	56	52	2,016	56	52	2,016	...	...	...
Fraud	92	85	3,531	92	85	3,821	92	85	3,821	...	...	...
Narcotic & dangerous drug prosecution	46	42	1,602	46	42	1,738	46	42	1,738	...	...	...
Internal security	37	33	1,419	37	33	1,502	37	33	1,502	...	...	...
General litigation & legal advice	63	55	2,434	63	55	2,575	63	55	2,575	...	...	...
International affairs	9	9	425	9	9	454	9	9	454	...	...	...
Legal support services	50	50	1,459	50	50	1,563	50	50	1,563	...	...	...
Office of special investigations	50	47	2,453	50	47	2,600	50	47	2,600	...	...	...
Executive direction and control	39	38	1,672	39	38	1,756	39	37	1,718	...	-1	-38
Administrative Services	50	50	1,128	50	50	1,203	50	49	1,167	...	-1	-36
Policy & management	26	24	884	26	24	940	26	23	902	...	-1	-38
Total	836	771	32,192	836	771	34,234	827	759	33,738	-9	-12	-496

This budget activity includes resources for the primary mission of the Criminal Division. Funds requested for this activity support personnel involved both at headquarters and in the field in the prosecution of over 900 criminal statutes.

1981 Appropriation
Anticipated

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Ferm.	WY	Amount	Ferm.	WY	Amount	Ferm.	WY	Amount	Ferm.	WY	Amount
Federal Appellate Activity ...	56	46	\$1,963	56	46	\$2,075	47	37	\$1,691	-9	-9	-\$384

Long-Range Goal: To secure favorable judicial decisions, including constitutional and statutory interpretations, that preserve the Government's right to a fair trial.

Major Objectives:

To maintain the current high level of expertise in the timely handling of Supreme Court legal work (briefs, memoranda, motions, legal research and recommendations to the Solicitor General).

To develop program capabilities which oversee and advise with respect to: all criminal appeals filed in each of the eleven circuits; all district and circuit decisions adverse to the Criminal Division's interest; and legal matters referred by the Assistant Attorney General of the Criminal Division.

To facilitate quality and uniformity in court of appeals cases by providing coordination, guidance, and written assistance to Federal prosecutors throughout the government.

To provide court of appeals level appellate advocacy training to attorneys in order to develop and maintain competency in this highly specialized area of litigation.

Base Program Description: This program is responsible for the preparation of all recommendations to the Solicitor General and for the review of and/or assistance in preparing legal briefs, arguments and memoranda pertaining to Federal criminal matters for the U.S. Supreme Court and the eleven Circuit Courts of Appeals. It endeavors in a timely fashion to evaluate critically and respond appropriately to 1,200 petitions for certiorari to the United States Supreme Court (1,150 in 1979); to prepare approximately 20 briefs on the merits in the Supreme Court (23 in 1979) filed in criminal cases within the jurisdiction of the Criminal Division; to evaluate critically district court decisions adverse to the United States rendered in criminal cases (701 in 1979); and, to brief and argue as lead counsel a significant number of court of appeals cases.

The program operates under the direction of the Assistant Attorney General pursuant to 28 C.F.R. Section 0.55 and 0.61 and as authorized by the Solicitor General under 28 C.F.R. Section 0.20 and 0.21. The program's clientele are all Government attorneys ranging from the Solicitor General and the Assistant Attorney General to the Assistant United States Attorneys in the field who are engaged in the development or prosecution of criminal cases before any grand jury or court in the United States; all personnel engaged in investigations of suspected or actual criminal conduct; various Federal agencies involved in criminal law enforcement; and, Federal judges, the number of which has recently been increased by 152 pursuant to the Omnibus Judgeship Act of 1978.

The Supreme Court Justices constitute a kind of "unseen" client. This program's responses to petitions for certiorari (a petition asking the Court to hear a case which the law does not require it to hear) are of high professional quality, and therefore of direct aid to the Court. To the extent that the responses succeed in their purpose, they forestall the much greater burden on the program required by the full hearing on the merits of the case.

Finally, it is essential that certain issues in criminal law be handled and coordinated at a national level, not only to foster a consistent policy but also to supply all courts of appeals with the Government's best unified thinking on national legal problems. Thus, while most court of appeals cases are written and argued by Government attorneys outside of the Division, all Government attorneys must and do depend upon the review, recommendations, coordinated policy and legal advice from the program.

Accomplishments and Workload: The vast majority of the program's work is of a reactive nature. The amount of work cannot be predicted in advance or regulated with any great accuracy, yet the program will be called upon to respond to defendants' filings of court pleadings.

Workload summary:

	1979 (Actual)				1980 (Actual)			
	A. 1/	B.	C.	D.	A. 1/	B.	C.	D.
1. Briefs in opposition to certiorari petitions	656	6	3936	17.1	501	4	2004	8.7
2. Court of Appeals briefs and arguments	132	18	2376	10.3	194	15	2910	12.6
3. Supreme Court briefs on the merits (including amicus curiae)	32	25	575	2.5	20	20	400	1.7
4. Government petitions for certiorari	32	12	276	1.2	4	12	48	.2
5. Advisory memos to Solicitor General for further review	248	6	1488	6.5	500	4	2000	8.7
6. Appellate recommendation memoranda	820	0.5	140	1.8	701	0.5	350	1.5
7. Supreme Court waivers of response	1150	0.05	58	0.3	970	0.05	48	0.2
8. Court of Appeals Review			345	1.5			230	1.0
9. Non-case specific 2/			480	2.0			460	2.0
10. Supervisory			1150	5.0			690	3.0
Total estimated attorney workyears performed				48.2				39.6

Legend: A. Number of cases/matters; B. Average attorney workdays required per case/matter; C. Total attorney workdays required; D. Total attorney workyears required based on 230 days per workyear.

1/ These projected numbers of cases and matters could be greatly altered by changes in uncontrollable factors, such as the policies of the Supreme Court regarding waivers of responses.

2/ From prior experience it is estimated that this is a constant of 2 workyears. It covers attendance at Supreme Court arguments, training courses, section meetings, reading of U.S. Law Week and Criminal Law Reporters, etc.

Workload summary cont'd:

	1981 - (Estimated)				1982 (Estimated)			
	A. 1/	B.	C.	D.	A. 1/	B.	C.	D.
1.	500	3	1500	6.5	500	3	1500	6.5
2.	200	14	2800	12.2	200	14	2800	12.2
3.	20	19	380	1.7	20	19	380	1.7
4.	10	11	110	.5	10	11	110	.5
5.	500	3	1500	6.5	500	3	1500	6.5
6.	700	0.5	350	1.5	700	0.5	350	1.5
7.	970	0.05	48	0.2	970	0.05	48	0.2
8.			230	1.0			230	1.0
9.			460	2.0			460	2.0
10.			690	3.0			690	3.0
11. "General Counsel" function 3/ Total			460	2.0			46.0	2.0
				37.1				37.1

Program Changes: A decrease of 9 positions, 9 workyears and \$384,000 is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment. This resource reduction will diminish primarily the number of attorney workhours devoted to Court of Appeals reviews and the "General Counsel" functions. The program intends to attempt to maintain its level of effort and output in all other areas.

3/ This new category of work output (beginning in 1981) will consist of memoranda prepared for the Assistant Attorney General under the program's "General Counsel" function.

1981 Appropriation	Anticipated		1982 Base		1982 Estimate		Increase/Decrease				
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.			
Organized Crime Prosecution....	262	240	\$11,361	262	240	\$11,991	262	240	\$11,991

Long-Range Goal: To reduce the influence of major organized criminal activities on the economic, political and social conditions of this country by means of successful investigation and prosecution.

Major Objectives:

To conduct the efficient investigation and successful prosecution of major organized crime matters, according to both the general priorities established by the Department and specific priorities based on special local conditions found in the various jurisdictions.

To review on a continuing basis the law enforcement requirements of areas where there is significant organized crime activity and adjust resource commitments accordingly.

To initiate new investigative approaches and ensure full and appropriate use of existing legislation and other tools effective in organized crime prosecution.

To conduct, in conjunction with the Office of Policy and Management Analysis, regular, formal reviews of Strike Force operations and perform other management functions to ensure program efficiency.

To provide prosecutive support and assistance to other Federal, state and local officials combating organized crime.

To maintain national liaison, planning and coordination among all Federal agencies involved in organized crime law enforcement.

Base Program Description: The resources of the Division's organized crime program have been directed at the organized crime groups which pose the greatest threat to the economic, political, and social well-being of the country. Most of the attorneys in this program are assigned to organized crime Strike Forces and field offices in 26 major cities across the country.

The Washington office oversees the activities of the Strike Forces, ensuring that they follow the priorities established for the program; provides guidance to individual Strike Forces regarding specific regional problems; assesses the relative needs of cities and districts for Strike Force attention, based on information provided from the field on the movement of syndicate activities; performs regularly scheduled, formal, on-site reviews of each Strike Force; maintains ongoing consultation between each Strike Force and the Deputy Program Chief responsible for its area; and promotes cooperation between United States Attorney offices and Strike Forces through the Program Chief, who also chairs the National Organized Crime Planning Council (NOCPC).

Each Strike Force coordinates the Federal effort against organized crime within its assigned region. In cooperation with the United States Attorneys and state and local authorities, the Strike Force identifies illegal activities, conducts appropriate investigations, and prosecutes the targeted offenders. Strike Force 18, based in Washington, D.C., provides central review and support services and, as resources permit, prosecutes especially complicated, multi-district, long-term cases.

Strike Force attorneys are brought into these investigations at an early stage to determine whether the case has sufficient merit to be continued, in light of the established priorities. If merit is established, attorneys continue to work with investigators to ensure that the conduct of the investigation complies with all applicable legal requirements and takes advantage of the most effective statutory tools available. The practice avoids losing cases due to legal deficiencies and helps devise innovative approaches.

Accomplishments and Workload:

	1979	1980	1981	Estimates 1982
Workload Inputs				
New investigations started 1/		185	290	285
Case support requests received 2/	7/	640	750	850
Non-case-related matters received 3/		746	800	950
Workload Outputs				
New investigations completed 1/	7/	70	113	111
New investigations started but not completed in the fiscal year 1/	7/	115	177	174
Investigations resulting in indictments 1/	7/	32	45	43
Defendants indicted 1/	758	500	500	500
Defendants convicted 1/	528	420	420	420
Case support requests handled 2/		640	750	750
Non-case-related matters handled 3/		746	800	800

1/ These figures represent investigations and prosecutions handled exclusively by the Strike Forces.

2/ These figures represent support to investigations conducted by others, such as United States Attorneys.

3/ These figures represent matters which are not directly related to cases, responses to Congressional inquiries, preparation of budget requests, training, and other administrative functions.

Performance Measures	Estimates		
	1979	1980	1981
Percentage of investigations terminated which resulted in indictment 4/	7/	54%	53%
Percentage of defendants convicted to all defendants in cases closed 5/	84%	84%	84%
Major matters awaiting investigation	285	-300 6/	300 6/

Highlight accomplishments in Organized Crime and Racketeering prosecution where the program had sole or primary prosecution responsibility included: 1) the conviction of Rhode Island International Longshoremen's Association (ILA) official Raymond J. Silva for embezzlement from the union treasury; 2) the conviction of six persons in a scheme which defrauded Boston's Framingham Trust Co. on a \$2.7 million loan through the pledging of counterfeit securities as collateral (for the \$1,200,000 misappropriated, \$600,000 was used to pay gambling debts); 3) the conviction of twenty-two defendants, including two Las Vegas casino executives, in four horse-race fixing schemes perpetrated across the country; 4) the conviction of mob members Alphonse Persico and Michael Bolino in Brooklyn for loan sharking; 5) conviction of La Cosa Nostra (LCN) member Thomas Dinato in Brooklyn for shaking down bars for \$600 a week in "protection" money; 6) conviction in Brooklyn of a Teamster leader who had embezzled \$1,200,000 in "advance salary" from his local's treasury (evidence also showed that he had misappropriated \$400,000 in pension funds to build a sauna and exercise room for himself at union headquarters); 7) conviction of major Brooklyn labor racketeer Bernard Tolkow and millionaire realtor Howard Garfinkle for a scheme which diverted close to \$2,000,000 in union funds to Florida land speculation; 8) conviction of Buffalo's Frank D. Frassetto, Jr., an LCN member, for mail fraud in the phony collection of disability insurance; 9) the counterfeiting conviction of syndicate member John C. Sacco and hit-man Edward Fanelli, Jr., in Buffalo; 10) a Buffalo conviction of a dentist for submitting false union insurance claims to a now bankrupt insurance company on behalf of a mob-dominated local; 11) conviction of six mob members for racketeering growing out of a mob war in Rochester, New York; 12) conviction of hit-man Charles Cina, Jr., for an arson fraud which inadvertently destroyed an entire city block in Buffalo; 13) the Chicago conviction of James Irendino and others in what was probably the city's largest mob-run loan shark operation; 14) conviction of a former mayor

4/ "Investigations terminated" include those in which indictments were brought plus those closed without prosecution, either for lack of sufficient evidence for successful prosecution, lack of impact even if prosecuted or because of referral to other prosecutive offices.

5/ "Cases closed" includes cases in which the defendants were convicted, dismissed, or acquitted.

6/ 300 is considered the ceiling on matters awaiting investigation; beyond this number, matters cannot even be considered for investigation due to the size of the existing backlog.

7/ These figures were neither kept nor projected in 1979.

Major cases shared by the program with U.S. Attorneys who had primary litigation responsibility included: 1) conviction of Anthony W. Scotto, New York ILA and mob figure, for racketeering and related charges; 2) conviction of New York syndicate member Vincent Cifalzo for tax evasion; and 3) conviction in Cincinnati, Ohio, of John F. Gibson, General Secretary-Treasurer of the Hotel and Restaurant Employees and Bartenders International Union for embezzlement from that treasury, that of the nation's 14th largest union.

Long-Range Goal: To enhance the public's confidence in its elected and appointed public officials at all levels of government through implementation of policies directed at decreasing dishonesty and corruption in the discharge of the public's business and protecting the integrity of the franchise.

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Major Objectives:

To establish and improve liaison with the 15 Inspectors General and other units of Federal departments and agencies responsible for the investigation and discipline of misconduct in office by Federal officials.

To facilitate the flow of criminal intelligence concerning criminal misconduct by Federal employees to Federal prosecutive personnel.

To identify geographic areas where public corruption and election irregularities are acute systemic problems, to identify Federal Districts where the prosecutive response to these national problems has not been adequate, and to implement appropriate measures to assure that a viable and effective Federal prosecutive response is attained.

To assist United States Attorney personnel in establishing an independent capability to recognize, investigate and prosecute public corruption and election offenses.

To respond within the legislatively mandated time-frame to complaints falling within the Special Prosecutor provisions of the 1978 Ethics in Government Act (28 U.S.C. 591, et seq.), and to make timely recommendations to the Attorney General concerning the appointment of special prosecutors.

To assume total operational responsibility over a selected number of significant public corruption and election abuse cases in which United States Attorney personnel have recused themselves.

To maintain the capacity to investigate and prosecute all matters involving criminal misconduct by Federal judges.

To decrease systemic obstacles to effective criminal law enforcement in employee misconduct matters arising from procedural errors by agency investigators and through the maintenance of parallel non-criminal proceedings.

Base Program Description: The Public Integrity Section emphasizes operational, on-scene, involvement in public corruption and election fraud investigations and prosecutions, in view of the fact that these matters are unusually sensitive, socially significant, as well as legally and factually complex. This function is frequently performed jointly with United States Attorney personnel, but it is often performed solely by attorney personnel assigned to this program. All prosecutions involving abuse of the franchise and election irregularities require the active and operational participation of this program.

Several surveys are conducted annually for the purpose of determining geographic patterns of corruption and election abuses, and the effectiveness of the prosecutive response thereto. Attorney personnel assigned to this program are then dispatched to those areas where the investigative and prosecutive needs are most pressing.

All information reflecting crimes in office by Federal personnel are required by statute to be reported to the Department of Justice, 28 U.S.C. 535. The Public Integrity program provides liaison functions with the components of the Federal establishment concerning this referral function, and prosecutes employee misconduct matters that involve complex legal issues or which involve especially sensitive subject matter.

Accomplishments and Workload: Accomplishments of the Public Integrity Section are presented in the following table:

	1979	1980	1981	1982
<u>Cases:</u>				
Pending, beginning of year	50	90	70	55
Opened	149	95	100	100
Closed	109	115	115	90
Pending, end of year	90	70	55	65
<u>Matters:</u>				
Pending, beginning of year	67	254	194	164
Opened	413	340	400	400
Closed	226	400	430	430
Pending, end of year	254	194	164	134

During 1980, this program increased the level and intensity of its cooperation with the Fraud Program in the establishment of the Economic Crime Enforcement Program. The Public Integrity Program contributed eleven positions and related funds to this expanded program. (For a description of the Economic Crime Enforcement Program, please refer to the Fraud section's narrative.)

Also during 1980, the Public Integrity Program was responsible for the operational, on-scene disposition of 95 criminal cases, 68 of which resulted in convictions, 4 of which resulted in acquittals, and the remainder of which were pending at the end of the year. During 1980, this program also operationally handled 10 appeals, eight of which resulted in affirmance of previous convictions and two of which resulted in reversals.

Other activities of this program in 1980 included a continuation of an extensive series of voting fraud prosecutions in Louisiana and Pennsylvania, the commencement of major voting fraud projects in South Carolina, Georgia and Missouri; the conclusion of a series of prosecutions involving corruption of Illinois legislators by local currency exchanges; the trial and conviction of Congressman John Jentette for conspiracy and bribery arising out of the ABSCAM undercover operation; the indictment of former Congressman Charles J. Carney of Ohio for accepting gratuities; the indictment and conviction of senior Treasury Department officials for conflict of interest; and the continuation of major local corruption projects in Kentucky, Mississippi, Tennessee, Illinois and South Carolina and Pennsylvania.

In conjunction with the Office of Policy and Management Analysis, a case tracking system was developed to enable staff in this program to monitor and manage its caseload more expeditiously while simplifying the line of accountability in the development of managerial expertise in each of the program areas. A separate sub-unit was established to concentrate on developing election fraud matters, a subject area that experience has shown requires the dedication of large quantities of manpower in this unique area of law enforcement.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Pos.	WY
Fraud	92	85	\$3,531	92	85	\$3,821	92	85	\$3,821	...	...

Long-Range Goal: To combat white collar crime through increased effectiveness of the Department and law enforcement generally in areas of prevention, detection, investigation, prosecution and policy direction.

Major Objectives:

To establish 25 specialized Economic Crime Enforcement Units of the planned thirty Units in United States Attorneys' offices, each staffed by at least one Criminal Division attorney and three Assistant United States Attorneys.

To develop and implement nationally coordinated enforcement policies and programs for the prevention, detection, investigation and prosecution of significant cases consistent with the Attorney General's White Collar Crime Priorities.

To coordinate, oversee and, when required, staff the litigation of large complex multi-district fraud cases.

To establish and maintain enforcement programs dealing with United States Government program and procurement fraud and abuse utilizing the wide range of criminal, civil and administrative remedies.

To conduct government-wide training and education to enhance the expertise of personnel involved in fraud detection, investigation and prosecution including training courses for auditors and investigators; national and regional conferences of Economic Crime Enforcement Specialists, Assistant United States Attorneys and the Federal Bureau of Investigation; and, publishing the Economic Crime Enforcement Bulletin.

To advise and assist United States Attorneys in the interpretation of policy guidelines and in the prosecution of cases and, generally through the Economic Crime Enforcement Units, to implement the Attorney General's White Collar Crime Priorities.

Base Program Description: The Fraud program is composed of two principal operations: the traditional headquarters component of trial attorneys in the Fraud Section, Washington, D.C., and the Economic Crime Enforcement Specialists located in the United States Attorneys' offices. The Fraud program also provides seven (7) positions as staff support to the Executive Group to Combat Fraud and Waste in Government consisting of the Inspectors General assembled and others under the chairmanship of the Deputy Attorney General.

The Fraud Section is charged with leading the federal law enforcement effort against fraud and white collar criminals. Toward that end, work is performed on three interrelated fronts:

- to fashion and implement white collar crime policy and provide support to the Criminal Division and the Department on white collar crime issues;
- to support the United States Attorneys with legal and investigative guidance and, when required because of lack of local expertise or resources, to provide staffing for criminal fraud cases handled by the United States Attorneys; and
- to initiate, staff and conduct grand jury investigations and trials involving types of criminal activity that require centralized treatment because of the complexity of the scheme, the multi-district nature of the criminal activity, the sensitivity of the issues, or the necessity of demonstrating with model prosecutions the viability of a particular statute, legal theory or investigative or prosecutive technique.

The Fraud Section is managed by a Chief, two Deputy Chiefs (Operations and Administration), five Branch Chiefs and the Director of the Office of Economic Crime Enforcement. All are experienced, senior federal prosecutors. The Fraud Section headquarters staff, including the eight executives, numbers 44 attorneys, and 23 non-attorneys (one law clerk, six paralegals and 16 secretaries). The Office of Economic Crime Enforcement consists of the Director, Deputy Director, a technical information specialist, a secretary and twenty-five (25) Economic Crime Specialists; however, eleven (11) positions are provided by the Public Integrity Section. The Executive Group Staff which supports the President's Executive Group consists of the Director, four auditors and two secretarial staff.

The work of the Section is organized by substantive subject matter into five Branches and the Office of Economic Crime Enforcement:

- Government Program and Procurement Fraud Branch. Focuses exclusively on fraud, waste and abuse in connection with Federal Government programs and contracts, with particular emphasis currently on procurement, health care and housing fraud.
- Consumer and Institutional Fraud Branch. Directs its efforts at fraud committed against individuals, businesses and private institutions, with current emphasis on commodities boiler room frauds, and bankruptcy fraud.
- Government Regulatory Branch. Responsible for criminal cases arising within the jurisdiction of various federal regulatory agencies, e.g., the SEC, IRS, and DOE, with particular emphasis, at this time, on energy-related frauds and fraudulent tax shelters.
- Multinational Fraud Branch. Investigates and prosecutes cases involving significant overseas and off-shore connections, with particular emphasis on the fraudulent use of off-shore banks and illegal payments by American corporations.
- Litigation Support Branch. Provides day-to-day review, advice and assistance to the United States Attorneys on a variety of fraud-related legal and factual questions; responds to Department requests for comments and assistance on legislative proposals; and, controls the Section's handling of queries and complaints from citizens.
- Economic Crime Enforcement. The program provides a national focus on economic crime by placing Criminal Division attorneys in United States Attorneys' offices, selected in order to eventually cover 50 states, Puerto Rico and the District of Columbia.

The Economic Crime Enforcement Program is directed at a variety of fraud and corruption areas and consequently works in coordination with the Public Integrity and General Litigation Sections as well. The Director (reporting to the Chief of the Fraud Section) and his staff are Washington-based. The remaining staff are presently located in twenty (20) United States Attorneys' offices.

The program is designed to establish a new and unique process based upon an institutionalized system of information-gathering and reporting that yields better cases and develops improved methods for prevention and detection. Information-gathering and reporting are fundamental to understanding the problem of economic crime, its scope and focal points -- both in a region and throughout the nation. To accomplish this, attorneys in the Economic Crime Enforcement Units survey the region in which the unit will be working and perform an analysis of fraud and corruption matters handled by the local United States Attorney's office. The attorneys also meet with Federal, state, and local program agencies, enforcement offices and prosecutors, and with representatives from business and industry, the news media and the public to ascertain the extent and nature of economic crime. This research and analysis has been completed, the unit submits a district report that summarizes the findings of the research and makes recommendations about economic crime enforcement priorities to guide investigation and prosecution efforts. Each Economic Crime Enforcement Unit thereafter submits a quarterly report that appraises the Washington office of any new developments, changes or accomplishments.

Economic Crime Enforcement Unit field operations generally include:

1. Conducting assessments of emerging white collar crime trends to determine the level, scope, and nature of the problem in each area serviced by the program;
2. Improving the government's capability to identify potential criminal activities, investigate and, where necessary, prosecute or take some other form of meaningful corrective action such as developing methods and techniques for preventing economic crime;
3. Establishing local enforcement priorities on the basis of incidence, trend and demographic data thus obtained. Each unit is responsible for assuring consistency with national priorities, and is further charged with developing methods and techniques for preventing economic crime;
4. Identifying those cases that fit within the established priorities and facilitating an expeditious resolution. In all units, relevant investigative agencies provide liaison and coordinate the utilization of investigative resources through the units' inventory of ongoing matters. Unit attorneys participate in and coordinate task force efforts established in response to particularly large, complex, or difficult cases.

The Washington office is the headquarters for the program; it coordinates and guides activities of the units. It maintains a close liaison with the national headquarters of other agencies involved in economic crime enforcement, including the Offices of the Inspector General, the Postal Inspection Service, various Federal program agencies and the Federal Bureau of Investigation. The office also distributes a bimonthly bulletin on economic crime enforcement that highlights successful techniques of investigation, prosecution and other important aspects of economic crime enforcement including prevention, detection, and sentencing enhancement.

The following table sets forth the locations of the established Economic Crime Enforcement Units and the number of Criminal Division attorneys and Assistant United States Attorneys assigned to each Unit as of December 1980:

Location of Units	Assistant United States Attorneys Assigned	Current Economic Crime Enforcement Specialists (Criminal Division Attorneys) Assigned
Denver	3	1
New Haven	5	1
Cleveland/Toledo	7	2
Columbia	2	1
Philadelphia	13	1
Pittsburgh	2	1
Los Angeles	6	1
Boston	4	1
Houston	3	1
Dallas	3	1
Detroit	4	1
Atlanta	5	1
San Francisco	3	1
Birmingham	2	1
Phoenix	5	1
Memphis	3	1
New Orleans	4	1
Providence	1	1
Wichita	3	1
Tampa	3	1
Total (December 1980)	81	21

Accomplishments and Workload: Workload statistics for the Fraud Section per se are presented in the following table. As later narrative describes, the Economic Crime Enforcement Units' case and matter statistics are reported by the United States Attorneys. The Executive Group Staff are not engaged in cases per se but rather provide staff support to the President's Executive Group Staff.

	1979	1980	1981	Estimates	1982
Cases:					
Pending, beginning of year	128	109	132	127	127
Opened	166	160	190	195	195
Closed	185	137	190	200	200
Pending, end of year	109	132	127	122	122
Matters:					
Pending, beginning of year	196	131	143	133	133
Opened	346	322	400	400	400
Closed	411	310	410	425	425
Pending, end of year	131	143	133	108	108
					62

Fraud. In the last year and one half, Fraud program investigations have resulted in 58 indictments/informations filed in 31 federal districts. In connection with these charges, 80 defendants have been convicted either by a guilty plea or trial (as of December 1980). The Fraud section calendar presently has 14 indictments pending or on trial.

a. Significant convictions in cases over which the Fraud program had sole or primary litigation responsibility:

1) United States v. Tenneco, Inc., DOJ# 46-32-686 (E.D. La.) (Criminal fine: \$1,000,000). One of the first criminal enforcement actions under the Natural Gas Act of 1938; 2) United States v. Mobil Oil Corp., DOJ# 46-74-711 (D.D.C.) (Criminal fine: \$500,000). Information alleging abandonment of interstate natural gas sales in violation of the Natural Gas Act; 3) United States v. Davinci Corp., et al., DOJ# 46-60-659 (W.D. Okla.) (Civil payments: \$550,000). Violations of the Emergency Petroleum Allocation Act of 1973; 3) United States v. Clowers Box and two other related cases, DOJ# 46-73-964 (W.D. Okla.) (Total criminal fines: \$260,000. Total civil payments: \$5,200,000 plus a \$20,000,000 reduction in OGC Corp. entitlement bank). Violations of the Emergency Petroleum Allocation Act; 4) United States v. Zang and Porter, DOJ# 46-59N-114 (N.D. Okla.) (Each defendant sentenced to 5 years imprisonment, fined \$49,000 and caused to forfeit under RICO their interest in a major Tulsa office building). Case involved \$7.5 million scheme relating to false certifications of crude oil; 5) United States v. Treasure Isle, et al., DOJ# 46-17M-666 (M.D. Fla.) (Individual defendants sentenced to one year imprisonment and fined \$25,000; Corporation was fined \$192,000). Defense Department's largest supplier of shrimp convicted of fraud and RICO charges involving scheme to substitute inferior shrimp for delivery to armed forces; 6) United States v. Bamford, United States v. Sparacino, DOJ# 46-18-1355 (M.D. Pa.) (Probation and small fines). Defendants are both building contractors convicted in continuing investigation relating to a federally funded Residential Rehabilitation Program; 7) United States v. Aul and Berns, DOJ# 46-70-372 (E.D. Tenn.) (Pending sentence). Contract fraud victimizing the Oak Ridge Nuclear facility; 8) United States v. Bolt, Beranek and Newman, Inc., et al., DOJ# 46-79-1240 (D. Mass.) (Individual defendants each sentenced to probation and \$20,000 fine; Corporation fined \$706,000 and agreed to make restitution of almost \$2,000,000). Government contract fraud; 9) United States v. Sowers, et al., DOJ# 123-60-73 (W.D. Okla.) (The 2 major defendants were sentenced to two and two and one half years imprisonment). Case involved fraudulent scheme to sell investments in phoney Pre-Columbian Mayan artifacts; 10) United States v. Roylance, DOJ# 113-77-31 (D. Utah) (one year imprisonment and a \$21,000 fine). Scheme involved fraudulent investment-offering relating to precious metals.

b. Significant convictions in cases where the Fraud program provided litigation staff assistance to a United States Attorney:

1) United States v. Coastal States Gas Corp., et al., DOJ# 46-16-164 (S.D. Tex.) (Civil payments and refunds totalling \$20,000,000). Evasion of federal oil pricing regulations; 2) United States v. Uni Oil Co., et al., DOJ# 46-74-581 (S.D. Tex.) (Total of \$4,000,000 in civil fines). Prominent Texas attorney and oilman charged with false certification of crude oil; 3) United States v. Benson and Goss, DOJ# 46-74-674 (S.D. Tex.) (Defendant officers of Ball Marketing, Inc. sentenced to six months imprisonment and fined \$34,000). Crude oil reselling scheme; 4) United States v. Neal, et al., DOJ# 46-31-489 (D. W. Va.) (Pending sentence). Fraudulent coal tax scheme; 5) United States v. Alan Abrahams, DOJ# 36-51-945 (D. Mass.) (seven years imprisonment; \$35,000 fine). President of Boston-based Lloyd Carr Co. pleaded guilty in mid-trial to a massive commodities boiler room fraud; 6) United States v. Wehling, DOJ# 46-73-555 (N.D. Tex.) (sentence pending). Case tried by Economic Crime Specialist and Fraud Section attorney involved \$4,000,000 in fraudulently procured federally insured student loans.

c. Significant indicted cases pending or on trial where Fraud program has sole or primary responsibility.

1) United States v. Osserman, et al., DOJ# 113-017-16 (D. Mass.). Thirteen individuals charged with tax shelter scheme involving \$150,000,000 in fraudulent tax deductions. Also indicted in separate charging instruments are three tax payers. More tax payer indictments are expected; 2) United States v. General Electric Co., et al., DOJ# 191-147 (D.N.J.). GE and several ex-officers and individuals charged with making \$1,250,000 bribe to a Puerto Rican government official in connection with a power plant contract; 3) United States v. McDonnell Douglas Co., et al., DOJ# 191-5 (D.D.C.). DDC and four officers have been charged with fraud on a foreign government; 4) United States v. Birtle, et al., DOJ# 29-017-12C (C.D. Cal.). Six individuals charged with fraud in connection with precious metals investment scheme; 5) United States v. Wade, et al., DOJ# 36-62-450 (E.D.Pa.). Multi-district franchise fraud in which two of five defendants have pleaded guilty; 6) United States v. Muller, et al., DOJ# 56-18-4 (S.D.Fla.). Commodities fraud; 7) United States v. Palm Coast /Elias Oil, et al., DOJ# 46-18-1447 (S.D. Fla.). Company and three individuals charged with false oil certifications; 8) United States v. Young, et al., DOJ# 46-60-709 (W.D. Okla.). Officer and Compton Petroleum Co. charged with fraud in connection with oil certifications.

d. Significant indictments pending where Fraud program is providing litigating staff assistance.

1) United States v. Haley, et al., DOJ# 123-62-705 (E.D.Pa.). A multi-district bust-out scheme (planned bankruptcy) involving 21 defendants charged with violations of the RICO statute and mail and wire fraud, and ITSP. To date ten defendants have pleaded guilty; 2) United States v. Gamble, et al., DOJ# 46-13-858 (D. Colo.). False claims in connection with the DOD Campus Program.

e. Policy and Training

The Fraud program has consistently performed a policy leadership function in white collar crime enforcement. The program was instrumental in the implementation of the Inspector General Act of 1978. The program staff provided positions and related resources to the first year of the Executive Group to Combat Fraud and Waste in Government chaired by the Deputy Attorney General, and the Chief of the program is a member.

The program training programs have trained over 2,000 federal auditors and investigators in connection with the Fraud Mini-Course and the Federal Law Enforcement Training Center.

Economic Crime. The case achievements of the Economic Crime Enforcement Program are reported as United States Attorney cases. However, the program in the past year has developed a number of significant investigations, as well as major prevention and policy initiatives.

The investigations include: a major Community Action Agency fraud; a regional project to combat fraudulent claims in the federal employee's compensation programs; a multi-district Small Business Investment Corporation fraud; two different multi-district toxic waste disposal investigations; several multi-district phony accident and disability insurance investigations; a nursing home chain cost-overrun case; a joint federal/state investigation of Medicare-Medicaid non-institutional major providers; an arson/insurance fraud task force investigation of fraud and corruption of a regional office of a major program agency; and several major corruption investigations.

In addition, the specialists have performed a variety of non-case related activities that are significant developments in the prevention, detection and investigation fields. These include: causing a change in Veterans Administration regulations that had allowed a Veterans Administration supervisor to divert pension funds to herself; the prevention of a \$3 million fraud against the Farmers Home Administration; the development of a civil-criminal case pairing system; the establishment of regular meetings and training seminars with and between the several investigative agencies; and earlier and regular contact between attorneys and investigators on major cases.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Narcotic and Dangerous Drug Prosecution	46	42	\$1,602	46	42	\$1,738	46	42	\$1,738	...	...	...

Long-Range Goal: To combat the growth of major enterprises involved in drug trafficking and reduce the availability and consumption of controlled substances through the prosecution of offenders involved in the manufacture, shipment, or distribution of illicit drugs.

Major Objectives:

- To inform drug investigators and prosecutors on drug law enforcement, including new financial investigation techniques developed by the program under its two other categories of activity.
- To provide legal training and guidance on specialized aspects of drug law to the United States Attorneys' offices and investigative organizations in a limited number of major multi-district and international cases.
- To coordinate the prosecution of major trafficking organizations in multi-jurisdictional cases by increasing headquarters-based supervision and coordination and revising litigation priorities.
- To monitor and assist the functioning of the Major Drug Traffickers Prosecution Units.
- To encourage enforcement agencies to concentrate on pursuing major trafficking organizations.
- Enforcement Innovation and Legal Analysis -
 - To develop, test, and promote the use of more effective ways to investigate and prosecute drug trafficking offenses, particularly through the use of financial records in investigations and as evidence in prosecutions.
 - To review legislative initiatives regarding drug control and prosecution and provide limited attention to proposals for new legislation in the drug prosecution area.

To assist on a limited basis in formulating Department policies or negotiating treaties and mutual assistance agreements with foreign governments regarding drug enforcement.

To provide legal assistance in the litigation area only to the Drug Enforcement Administration (DEA) regarding enforcement of illicit drug regulations.

Investigation and Prosecution -

To directly prosecute or assist on a limited basis in multi-district and international drug cases.

To assure that major narcotics cases arising in districts with small Assistant United States Attorney complements or limited drug prosecution experience are adequately prosecuted by requesting experienced attorney assistance from other United States Attorneys' offices through the Executive Office for United States Attorneys when program attorneys are unavailable.

To ensure that program attorneys continually build and maintain sufficient prosecutorial expertise to allow them to provide informed policy support and training through headquarters-based dissemination of information without on-site visitations and reviews.

Base Program Description:

Training, Support, and Coordination -

Each year, the program conducts two training conferences for approximately 300 attorneys and agents in the latest methods of investigating and prosecuting major conspiracy cases. Program attorneys also help train DEA agents in case law and investigative methods. Only one conference is contemplated in 1981.

The program publishes the Narcotics Newsletter, a monthly bulletin that informs the enforcement and prosecution community on case development and new enforcement techniques.

Attorneys are assigned to each of the five DEA regions to handle requests for legal assistance from U.S. Attorneys and investigative field personnel.

The program coordinates the work of the twenty-three Major Drug Traffickers Prosecution Units.

Enforcement Innovation and Legal Analysis -

The program develops the prosecutive and investigative techniques necessary to respond to new problems and implement new statutes. Consistent with the Attorney General's 1981 and 1982 Policy and Program Guidelines, the program is developing techniques to use financial records in investigation and prosecution. Attorneys also analyze and assist in the development of drug-related legislative proposals.

The program advises and helps coordinate DEA's enforcement activities regarding the diversion of legally manufactured drugs into illicit drug trafficking channels. Small reductions in this program are planned for 1981.

The program assists the State Department and the Division's Office of International Affairs with the development of drug-related treaties and mutual assistance agreements with foreign governments. Deadlines for completion of activities in this area have been extended for 1981.

Investigations and Prosecutions -

Under appropriate circumstances and at the request of the United States Attorney, the program assumes or shares responsibility for investigating and prosecuting major narcotics cases. The criteria considered in evaluating these requests include: the size, complexity and importance of a case; the extent to which the case exceeds United States Attorney resources; the likely result if the program declines the case; and the need for multi-district coordination. There will be minor reductions in this area in 1981.

Accomplishments and Workload: Highlight accomplishments in the Narcotic and Dangerous Drug Section include:

Three program attorneys recently successfully prosecuted 13 members of the Black Tuna Gang, an international marihuana and cocaine smuggling organization. The case was reputed to be one of the most significant ever prosecuted in the Southern District of Florida. In recognition of their efforts, the two lead attorneys received the Department's Distinguished Service Award and the third received a Special Achievement Award.

Program attorneys, in conjunction with the State Department, have just completed a project in which assistance was rendered to the Colombian Government in the revision of the Colombian Code of Criminal Procedure.

The program, in conjunction with the DEA, has completed an in-depth study of 110 major prosecutions for violations of the Continuing Criminal Enterprise Statute (21 U.S.C. 846) which provides for enhanced penalties for the heads of organizations and for violations of the Organized Crime and Racketeering Statutes (18 U.S.C. 1962). The study was undertaken to determine more effective ways of dealing with major violators.

Other accomplishments center around the development of both an operational and a support capability in the area of complex financial investigations. Program attorneys are presently engaged in a pilot project in the Southern District of Florida to trace the illegal financial dealings of several identified and targeted major drug traffickers. This effort is the first of its kind in size and scope. It is anticipated that this effort, termed "Operation Greenback," will be the forerunner of similar operations throughout the country. It is a combined effort of several Federal enforcement agencies, the United States Attorneys in Florida, and the Criminal Division and the Tax Division of the Department. Initially, the operation was instituted in South Florida; and however, the focus of the operation now extends beyond Miami to the entire state. Other program attorneys were recently dispatched to Northern Florida to assist the United States Attorneys in major drug investigations. It is expected that these investigations will focus on the financial dealings of the traffickers, as well as their drug dealings.

The program has worked closely with DEA on the development of new Domestic Guidelines for its agent personnel for the development of investigations. The semi-annual training conferences for agents and prosecutors have been revamped to include the latest developments in conducting financial cases.

The following table presents the workload of the Narcotic and Dangerous Drug Section:

Cases:	Estimates			
	1979	1980	1981	1982
Pending, beginning of year	41	173	180	190
Opened	240	142	142	155
Closed	108	135	132	145
Pending, end of year	173	180	190	200
<u>Matters:</u>				
Pending, beginning of year	28	74	77	80
Opened	189	68	95	125
Closed	143	65	92	120
Pending, end of year	74	77	80	85
<u>Internal Security</u>				
.....				
37 33 \$1,419 37 33 \$1,502 37 33 \$1,502				

Long-Range Goal: To enforce, in an effective and fair manner, approximately 100 criminal statutes and regulations affecting the national security and foreign relations of the United States.

Major Objectives:

To investigate and litigate effectively cases and matters in the area of national security.

To provide oversight and supervision in all prosecutions involving the neutrality statutes, the Trading with the Enemy Act and the Arms Export Control Act.

To administer and enforce the Foreign Agents Registration Act (FARA), and two additional registration statutes.

To enforce the Federal Regulation of Lobbying Act, a conflict of interest statute, and a portion of the Federal Election Campaign Act of 1976.

To provide staff support including the Executive Secretary to the Interdepartmental Committee on Internal Security (ICIS) which coordinates all phases of activities in the internal security field, except those assigned to the Interdepartmental Intelligence Conference.

To provide legal support and investigative guidance to all Federal investigative agencies engaged in national security matters.

To provide assistance to Members of Congress and all other appropriate officials involved in the regulation of lobbying.

To respond appropriately to inquiries from the press and the public in matters involving national security.

Base Program Description: This program seeks, through investigation and prosecution, to meet the threat to our nation's security posed by espionage, sabotage, and violations of the neutrality statutes, the Arms Export Control Act and related statutes. The program mitigates the problem of increasing foreign incursions into our political process by administering and enforcing the FARA and two other registration statutes designed to protect the internal security of the United States. The program also assists in protecting the integrity of the political process by enforcing the current Federal Regulation of Lobbying Act, a conflict of interest statute, and the portion of the Federal Election Campaign Act of 1976 that regulates political contributions by foreign nationals.

According to FBI estimates provided in their appropriation documents, a number of the 25,000 Soviet nationals who immigrated to the United States between 1973 and 1978, have been identified as intelligence agents. Over the same period, there was a 50 percent increase in Soviet officials entering the United States, of whom a portion are assumed logically to be intelligence agents. During the same period, 5,500 Russian nonimmigrants, e.g., cultural workers, business persons, etc., and 20,000 Russian crewmen also arrived. Officials, nonimmigrants and immigrants from other Warsaw Pact countries continue to enter the United States in increasing numbers, as do visitors in the same categories from the Peoples Republic of China. The general trend of expanded immigration and official entries has continued unabated since 1979 and is expected to do so through 1982. It is believed that the Cuban immigration via private motor vessels begun in April 1980 has probably been used by the Soviets and Cuba to infiltrate agents, taking advantage of the fact that documentation of aliens through the visa process has been difficult. The number of potential espionage cases among groups of Cuban immigrants is expected to remain at the high percentage reflected in recent successful prosecutions, exposes and defections. There is, in simple fact, more espionage activity being perpetrated by agents of Soviet bloc countries, the Peoples Republic of China and Cuba.

The President's embargoes of the transfer of technology to Iran and, as a result of the Russian invasion of Afghanistan, of technology and grain to the U.S.S.R. will result in a significant increase in the number of reported violations of the Export Administration Act, requiring both investigative oversight and possible litigation by this program. The program has become more heavily involved in providing legal advice, overseeing investigations and handling litigation involving the transfer of technology and scientific collections under the Export Administration Act (regarding commercial items such as computer hardware and software and industrial production techniques) and the Arms Export Control Act (regarding munitions, war implements, military technology, commercial technology with potential military applications, and military equipment, production techniques). Legal advice and guidance is provided to Federal agencies having policy, enforcement, and monitoring responsibilities (Departments of State, Transportation, Treasury (Customs Service) and Commerce) and to the National Security Council's Ad Hoc Committee on Technology Transfer. Such advice and guidance embraces issues such as the appropriateness and effectiveness of regulations to implement the Acts, the investigative and prosecutive merit of allegations of violations, and recommendations on the quality or quantity of enforcement efforts.

On July 31, 1980, the General Accounting Office (GAO) issued a report recommending that the Attorney General seek legislative authority to give the program additional enforcement authorities, i.e., administrative subpoena power, schedule of civil fines for minor violations, and to require written notification of all exemption claims prior to any agent undertaking

activity on behalf of a foreign principal. GAO further recommended that the program develop a permanent inspection capability and establish closer liaison with other agencies. These recommendations appear to have the support of the Subcommittee to Investigate Individuals Representing Interests of Foreign Governments of the Committee on the Judiciary, United States Senate. The implementation of these recommendations will increase the program's involvement in investigations, inspections and litigation. It is anticipated that the implementing legislation for these changes will be passed in 1981 resulting in increased workload, because of new responsibilities, in 1981 and 1982.

The program provides lectures and seminars for FBI foreign counter-intelligence (FCI) agents regarding legal problems in FCI investigations, including methods to avoid investigative errors which might adversely prejudice any subsequent prosecutions. This training and the program's ongoing consultation and assistance in investigations have improved the quality and successfulness of FCI efforts. In fact, espionage litigation has been more successful in the past two and one-half years than in the preceding 11 years. This heightened effectiveness, when brought to bear on the overall increase in espionage activity, is expected to increase the requirement for this program's involvement in investigations, prosecution and litigation. The FBI continues to commit resources in attempting to uncover persons engaged in espionage and the Attorney General's 1982 Policy and Program Guidelines retain that thrust as a priority. It is therefore anticipated that there will be an increase in the number of significant espionage cases investigated and prosecuted in 1982 as many new foreign agents are identified. Corresponding to the increase in covert agent activity, a concurrent increase is also expected in the number of active, unregistered foreign agents engaged in political activity who are identified by the program.

The specific clientele served by the program are the departments and agencies, particularly the Departments of Defense and State, the intelligence agencies, and the FBI. In addition, the program serves the Congress and the public through such activities as the publication of names and information concerning persons required to register under the FARA.

This program currently accomplishes its objectives by:

1. Supervising investigations and prosecutions involving national security and foreign relations;
2. Providing legal and policy guidance to U.S. Attorneys, law enforcement agencies and the intelligence community in the area of national security litigation;
3. Administering and enforcing the FARA, including supervising investigations, conducting inspections and all FARA related criminal and civil litigation;
4. Providing specialized legal support to U.S. Attorneys in the areas of policy interpretation, legal research, and the drafting of indictments, pleadings and other legal papers;
5. Directly participating in criminal litigation, including grand jury proceedings, trials, appeals, and related legal actions;
6. Developing, analyzing and evaluating proposed legislation related to the internal security field;
7. Serving as the focal point for interagency coordination in cases such as espionage, neutrality, and arms export control violations; and
8. Providing staff support including the Executive Secretary, to the Interdepartmental Committee on Internal Security.

Cases:	1979	1980	1981	1982	Estimates
...

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>Estimates</u>	<u>1982</u>
<u>Cases:</u>					
Pending, beginning of year	56	34	30	30	30
Opened	41	64	70	70	100
Closed	63	68	70	70	70
Pending, end of year	34	30	30	30	60
<u>Matters:</u>					
Pending, beginning of year	26	190	227	227	252
Opened	254	462	500	500	500
Closed	90	425	475	475	480
Pending, end of year	190	227	252	252	272

Since 1978, the program has handled seven significant espionage cases, all of which ultimately resulted in convictions. One of these involved a former CIA covert employee who was charged with transmitting Top Secret material to the Soviets during a two year period.

Since 1978, the program litigated five civil actions for permanent injunctions pursuant to the enforcement provisions of the Foreign Agents Registration Act of 1938, as amended. In addition, the program has presented evidence to two federal judges concerning violations of the Act and other statutes not primarily within the jurisdiction of the program. In 1980, additional registrations under the Act increased by 90, bringing the total to 3,152 of which 660 are active. Short-form registrations increased by 560, bringing the total to 14,114 of which 6,931 are active.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease Perm.					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
General Litigation and Legal Advice	63	55	\$2,434	63	55	\$2,575	63	55	\$2,575

Long-Range Goal: To conduct selected litigation, provide national policy guidance, and supply legal advice and support to investigative and client agencies, including the United States Attorneys, in six major areas: crimes against the public, crimes against Government operations, regulatory enforcement, immigration and naturalization cases, prison/parole matters and special civil matters.

Major Objectives:

- To investigate and prosecute major cases that require central handling because of logistics, efficiency, or special requirements for uniform treatment.
 - To support the United States Attorneys in their litigation of matters within the six program areas, including the development of a prosecutive policy concerning Selective Service violations, a new responsibility assigned in 1980.
 - To defend civil suits involving Federal criminal justice, Immigration and Naturalization Service (INS), and national security operations.
 - To improve enforcement coordination among United States Attorney staffs, Federal investigative and program agencies, state and local law enforcement officials, and professional groups to develop a national approach to law enforcement problems.
 - To implement new enforcement initiatives at the request of the Attorney General in areas where the United States Attorneys lack adequate time, skills, or resources such as the illicit dumping of toxic or hazardous chemical waste and politically motivated terrorism.
 - To participate in cooperative efforts to develop and promote crime prevention measures.
- Base Program Description:** The program serves as an enforcement section in key areas that require special, centralized handling. In the area of politically motivated terrorism, for example, the unit prosecutes and assists in the prosecution of cases, provides coordination among the various United States Attorneys' offices and investigative agencies, and insures special handling by the investigative agencies. Program attorneys provide support to the United States Attorneys by supplying guidance and interpretation on specialized questions of law and Department policy. The program also coordinates major multi-district cases. In priority or sensitive criminal areas, program attorneys review agency reports on all investigations of alleged violations. In major cases, program attorneys provide legal guidance during the investigation and may prosecute or help prosecute the resulting cases.
- Program attorneys defend civil cases regarding Federal criminal justice activities, immigration matters, and national security operations. Staff attorneys also draft or comment on proposed legislation regarding the six program areas.**
- Accomplishments and Workload:** Basic to all other significant accomplishments of the program has been achievement of the Division's short-term goal of consolidating into one program the substantive support and litigation functions of the former General Crimes, Government Regulations and Labor, and Special Litigation programs.
- The combating of terrorism through exhaustive investigation and vigorous prosecution of persons responsible for terrorist acts is an initiative of the program. It is important to have central coordination of the Department's response to terrorism because of the critical importance of the enforcement effort to the nation, the inter-district nature of many terrorist acts, the sensitivity of the investigations, and the problem of statutory applicability. Recent accomplishments include (1) the indictment of three persons in the Eastern District of North Carolina as a result of the illegal purchase and exportation of military-type weapons to the Irish Republican Army; and (2) the indictment of Larry Layton in the Northern District of California as a result of the murder of Congressman Leo J. Ryan and the attempted murder of the Deputy Chief of Mission for the United States in the Republic of Guyana.

The program has undertaken an enforcement initiative to develop and improve the investigation and prosecution of regulatory offenses seriously affecting public health and safety, including the illicit dumping of toxic or hazardous waste. Two examples of major cases developed to date through this initiative are the indictment in the Southern District of Texas of two managers of the Farmers Export Company for OSHA safety violations that resulted in a grain elevator explosion that killed 18 persons and injured 22 others; and the indictment in the District of Idaho of Wes-Con, Inc. and its president for conspiracy, false statements and violation of regulations concerning the disposal of polychlorinated biphenyls (PCP's).

The program has worked to develop and promote crime prevention programs. Program attorneys are highly active in the Interagency Committee on Auto Theft Prevention which, for example, obtained an agreement from the Ford Motor Company to number all major components of its 1980 Lincolns to test the utility of numbering in controlling the theft of automobile parts. In an effort to prevent concealment of stolen cars as salvaged cars by switching titles, the program persuaded the National Highway Traffic Safety Administration to publish guidelines for effective uniform state laws on the subject and to make funds available to the States to implement and enforce these laws. Another area in which the program has promoted crime resistance is bank security, including working with the FBI to quantitatively determine whether and how any lack of security has contributed to recurrent robberies.

Other major accomplishments where the program had sole or primary litigation responsibility include: 1) the conviction and fine of \$1,900,000 of the Southern Railway on 95 counts of granting unlawful concessions to shippers by furnishing free entertainment; 2) the conviction of the Van Dyke Coal Company and its president for MSHA violations involving the death of a miner; 3) the conviction of the P and P Coal Company for a mine safety violation resulting in four deaths; 4) the indictment of Sears Roebuck and Company for introducing and conspiring to introduce imported televisions into the United States by means of fraudulent statements; 5) the continuing grand jury investigation of illegal wiretapping of employees of a multi-million dollar interstate discount corporation in Nebraska by corporate officers (the chief of security for the corporation has been convicted of wiretapping and perjury); 6) the determination of which vessel masters should be prosecuted and also the defense of civil cases arising out of the seizure of commercial vessels participating in the "Cuban Plotilla"; 7) defended class actions brought by Haitian nationals seeking political asylum and authority to work in the United States; 8) defended prison officials of the Lewisburg Penitentiary in a suit alleging they brutally assaulted prison inmates; 9) established the Executive Working Group for Federal-State-Local Prosecutorial Relations, the first formalized liaison among the Department of Justice, National District Attorney's Association, and National Association of Attorneys General; and 10) handled 129 petitions for remission or mitigation of forfeitures and prepared approximately 120 briefs in the courts of appeals.

Accomplishments where the General Litigation and Legal Advice program exercised oversight or shared litigation responsibility with U. S. Attorneys include: 1) the conviction and sentencing to 40 years imprisonment of Serbian nationalist Nikola Kavaja for air piracy; 2) the conviction of four A & P Company officials for wiretapping at seven A & P grocery stores; 3) the conviction of Robert Nilsen for mailing obscene material depicting children engaging in explicit sexual activity; 4) the conviction of Robert L. Stuckey for shooting an Assistant United States Attorney; 5) the indictment of Robert W. Kane in Lowell, Massachusetts, for arson that caused a fire injuring twenty-three persons and damaging ninety-two businesses -- damage sufficient to cause the President to designate Lowell a disaster area; 6) the indictment of Elizabeth Eagleton Weigand and Stephen E. Poludniak for conspiracy and extortion directed at Senator Thomas F. Eagleton and 7) the indictment of Wes-Con, Inc., and its president as a result of the unlawful disposal of polychlorinated biphenyls (PCP's).

	Estimates			
	1979	1980	1981	1982
<u>Workload Summary:</u>				
<u>Cases:</u>				
Pending, beginning of year	133	151	171	181
Opened	1,358	1,050	950	950
Closed	1,340	1,030	940	945
Pending, end of year	151	171	181	186
<u>Matters:</u>				
Pending, beginning of year	34	42	52	62
Opened	869	475	475	475
Closed	861	465	465	465
Pending, end of year	42	52	62	72

	1981 Appropriation				1982 Base				1982 Estimate				Increase/Decrease	
	Perm. Pos.	WY	Amount		Perm. Pos.	WY	Amount		Perm. Pos.	WY	Amount		Perm. Pos.	WY
International Affairs . . .	9	9	\$425	9	9	9	\$454	9	9	9	\$454	9	...	...

Long-Range Goal: To provide high quality assistance to United States Attorneys, other elements of the Division, and state prosecutors in the areas of extradition and international legal assistance in criminal matters and to direct and oversee the implementation of prisoner transfer treaties to assure that transfers of prisoners under such treaties are handled in a cost-effective manner giving due consideration to avoiding unwarranted delays in transferring eligible prisoners.

Major Objectives:

Extradition -

To establish priorities for negotiation of new extradition treaties.

To participate in the negotiation of every such treaty.

To revise U.S. legislation implementing such treaties to enable implementation to be more efficient and effective.

To assist in the preparation and screening of all extradition requests made to foreign countries.

To represent and supervise the legal representation of foreign countries' extradition requests in U.S. Courts.
 International Legal Assistance in Criminal Matters -
 To establish priorities for negotiation of new mutual assistance treaties in criminal matters.
 To participate directly in negotiations with foreign countries of every such treaty.
 To process and screen all requests made by all Federal and state prosecutors to foreign countries for legal assistance.
 To represent or oversee the legal representation of foreign countries in obtaining evidence in criminal matters before U.S. Courts.
 To coordinate arrangements with foreign officials in criminal matters and guide and counsel U.S. Attorneys and State prosecutors in such dealings.
 Prisoner Transfers -
 To direct and oversee prisoner transfers to and from the United States.
 To directly participate in prisoner transfer treaty negotiations.
 To supervise or directly handle litigation related to prisoner transfer treaties.
 Liaison and Advice -
 To establish and maintain liaison with foreign officials relating to international criminal enforcement matters.
 To attend international conferences relating to international criminal enforcement matters.
 To provide advice to federal and state prosecutors in international legal assistance and extradition matters.
 To maintain liaison with various federal investigative agencies and Interpol, and serve as legal counsel to the U.S. Interpol National Central Bureau.
 To undertake special assignments relating to international criminal legal matters.

Base Program Description: This program was created in February 1979 to centralize, better coordinate and service the dramatically increasing responsibilities of the Department for criminal-related international legal matters in the areas of extradition, international legal assistance and prisoner transfers. These functions were previously performed by three separate units of the Criminal Division.

Increased international travel, communications, and commercial transactions over the past two decades have brought with them a corresponding increase in the international aspects of criminal activities, particularly in those areas of the criminal law which are solely or primarily the responsibility of the Federal government. Moreover, those aspects are of greatest importance when they are directly a part of the Department's priority enforcement efforts against white collar crime and major narcotics trafficking rings. As a result, there has been and will be a dramatic increase in the demand for the program's services in the enforcement-related areas of extradition and international legal assistance.

As more Americans travel and work abroad, increasing numbers of them are being convicted of crimes in foreign countries. The hardships entailed in serving a sentence in a foreign prison, often in grossly substandard conditions, have led, thus far, to the negotiation of seven prisoner transfer treaties of which six have been ratified and are in force. The program has been delegated the responsibility for directing and overseeing the implementation of these treaties and the resolution of legal matters arising from their implementation.

There is no question that there will be a continuing substantial increase in the demand for the program's enforcement-related services by United States Attorneys' offices, other elements of the Criminal Division and state prosecutors. Similarly, it is expected that there will be a continuing increase in the program's prisoner transfer responsibilities. Additionally, as of January 1, 1980, the program assumed from the State Department the principal role in processing the states' international extradition requests. The expected growth in the number of such requests will significantly increase the program's workload.

Extradition - The majority of extradition treaties in force are so outdated that the United States cannot effectively extradite fugitives from most countries. Many of these treaties have been interpreted as not covering Federal crimes having a jurisdictional base such as interstate commerce or use of the mails. Many do not cover important crimes which were nonexistent or of little significance when the treaties were negotiated. Most do not require a foreign country to represent our extradition requests in its courts. And most do not permit the extradition of nationals of the country from which extradition is sought. Consequently, the program is working in concert with the Legal Adviser of the Department of State to seek the negotiation of new extradition treaties with a substantial number of countries on a priority basis so as to obtain the successful extradition of fugitives from those countries. In order to assure that such treaties meet the needs of each country's legal system and can be implemented in an agreed upon manner, it is essential that the program actively participate in the negotiation of every new extradition treaty. In its first 21 months, the program participated in the negotiation of eight new extradition treaties, and helped secure Senate approval for one of those treaties, as well as five previously negotiated treaties. The program drafted completely new United States legislation implementing extradition treaties to permit existing and new treaties to be implemented more efficiently and effectively. This legislation was introduced in the Senate as an amendment to the proposed federal criminal code.

To assure that extradition requests submitted by the United States meet the requirements of the relevant extradition treaties, the program assists in the preparation and screening of all Federal and state extradition requests. Pursuant to treaties or reciprocal agreements, the program either represents, or supervises the representation of almost all foreign extradition requests in U.S. courts. Such representation is essential in order to promote the reciprocal representation by foreign governments of United States extradition requests in the courts of those countries, thereby minimizing the cost to the United States of the legal representation of United States extradition requests.

International Legal Assistance - The ability of prosecutors to obtain evidence from foreign countries -- particularly foreign bank records -- is critical to the successful prosecution of many important Federal cases. At present, the Swiss and Turkish treaties on mutual assistance in criminal matters are the only such treaties in force. A new international legal assistance treaty with Colombia has recently been signed and one with the Netherlands should be signed in the near future. Negotiations have been set, or are being planned, with other countries on a priority basis and the program is continuing to work in concert with the Legal Adviser of the State Department to expedite such negotiations. To assure that such treaties fulfill federal prosecutorial needs, the program must participate directly in all such negotiations.

Under mutual legal assistance treaties, the program is responsible for processing all requests by United States Attorneys, other elements of the Division, and state prosecutors, and represents, or supervises the representation of, our treaty partners in Federal courts in connection with their requests.

The program also is responsible for processing all letters rogatory to foreign countries on behalf of Federal and state prosecutors, and for representing, or supervising the representation of, requests by foreign countries for letters rogatory in United States courts in connection with criminal investigations and prosecutions. The representation of letters rogatory requests by foreign governments is conducted pursuant to either special executive agreements, such as those executed in connection with foreign corrupt practices investigations and cases, and/or in accordance with 28 U.S.C. 1782. The program provides counsel to United States Attorneys, other Division elements, and state prosecutors on foreign criminal law and on procedures for obtaining information and/or evidence from foreign sources, and helps coordinate arrangement with foreign government officials to facilitate the obtaining of such information and/or evidence.

Prisoner Transfers - As the governmental entity which has been delegated the primary responsibility for directing and overseeing the transfer of prisoners to and from the United States under prisoner transfer treaties, the program must maintain adequate resources and expertise to meet its responsibilities. It also participates in the negotiation of new prisoner transfer treaties, and supervises litigation under existing treaties.

The program accomplishes its objectives through treaty negotiations, litigation, liaison with foreign governments and U.S.-based prosecutors. However, because of inadequate treaties in the extradition and international legal assistance areas, the ability to accomplish those objectives will be constrained by the successful conclusion of new treaties which adequately serve the United States' criminal justice interests.

Accomplishments and Workload: The program's most important criteria for judging the effectiveness of its performance are: the increase in the number of matters handled in its areas of responsibility; the timeliness of its handling of these matters; and, where applicable, its ratio of success in handling them. The program is in the process of establishing procedures for accounting for its performance in terms of these criteria. An automated system for keeping track of the extradition caseload has recently been completed and a similar system for the mutual assistance caseload will be completed in 1981.

Relative quantitative workload data is presented in the following table.

	<u>Estimates</u>	
	<u>1981</u>	<u>1982</u>
<u>Extradition</u>		
Fugitives extradited or deported to United States	19	80
Federal extradition requests to foreign countries	48	100
State extradition requests to foreign countries	0	75
Fugitives extradited from United States	21	60
Extradition requests by foreign countries	71	120
<u>International Assistance in Criminal Matters</u>		
Assistance with letters rogatory from United States	32	80
Assistance with letters rogatory from foreign countries	50	100
Requests to United States under Swiss Treaty	7	15
Requests to Switzerland under Swiss Treaty	22	30
Requests to and from United States under other mutual assistance treaties	0	20
Mutual assistance treaties in force	1	4
<u>Prisoner Transfers</u>		
Prisoners transferred from United States	69	115
Number of countries with which treaties are in force	3	5

	<u>1981 Appropriation Anticipated</u>		<u>1982 Base</u>		<u>1982 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Perm.</u>	<u>WY</u>	<u>Perm.</u>	<u>WY</u>	<u>Perm.</u>	<u>WY</u>	<u>Perm.</u>	<u>WY</u>
Legal Support Services	50	\$1,459	50	\$1,563	50	\$1,563	...	...

Long-Range Goal: To provide expeditious litigative assistance and prosecutive support of both a substantive and procedural nature, to regularize and systematize operations, and to maintain expertise in such activities which would otherwise require division of scarce investigative and prosecutive resources.

* Extradition data for 1979 and 1980 is based on preliminary statistics from a new automated extradition management information system and does not reflect all extraditions for 1979 and 1980.

Major Objectives:

To implement efficiently and expeditiously statutes such as the Immunity law provisions, the Tax Disclosure Act, the Freedom of Information Act (FOIA) and the Privacy Act (PA), and Department regulations governing matters such as subpoenas directed at Department employees and the news media.

To provide effective and reliable service to Federal prosecuting attorneys in the implementation of the noted statutes and regulations that affect them.

To process some 3,000 requests for witness immunity within the two-week time frame allowed by Department guidelines.

To process over 200 requests for tax disclosures so that no delays are encountered in forwarding appropriate requests to the Internal Revenue Service.

To maintain a legal brief and policy memoranda bank and integrate into the legal brief bank some 900 briefs in opposition to petitions for writs of certiorari and 700 Solicitor General appeal memoranda that are generated by the Division annually.

To maintain an up-to-date United States Attorneys' Manual and have Criminal Division updates prepared on a regular basis so that all portions of the Division's contribution to the Manual remain current and informative.

To eliminate the FOI/PA request backlog now standing at 268 requests (up from 210 in 1979), each of which requires extensive processing and review.

Base Program Description: The Legal Support Services program provides the various components of the Division and the United States Attorneys' offices with a wide range of litigative assistance and prosecutive support. By consolidating several functions in one office, a saving in time and effort is achieved through the development of expertise and common procedures and practices. Personnel in other Division components are then concentrated on direct investigative and prosecutive efforts. Much of the work is statutorily mandated in nature and uncontrollable in volume and includes:

Processing Immunity Requests - To develop and prosecute criminal cases, critical witnesses must sometimes be immunized in exchange for their testimony. The program is responsible for substantively reviewing requests and for coordination and monitoring of the witness compulsion (immunity) provisions of Title 11 of the Organized Crime Control Act of 1970 (18 U.S.C. 6001, et seq.) through its Witness Records Unit;

Processing Taxpayer and Tax Return Information Requests - Complex organized crime and white collar crime cases cannot be successfully prosecuted against well-insulated individuals; they must be attacked through the fruits of their illicit enterprises: illegal income not reported for tax purposes. The program has sole responsibility within the Division for processing requests for disclosure of tax returns, taxpayer information and return information, pursuant to the Tax Disclosure Act of 1976. In 1980, 270 requests involving tax return disclosure were processed;

Processing Freedom of Information and Privacy Act Requests - The Freedom of Information Act and Privacy Act (FOIA/PA) Unit implements both of these statutes for the Criminal Division to permit access by citizens to nonexempt Government records. Regarding the FOIA, each Government agency is required to make available to a member of the public reasonably described agency records upon request. The Privacy Act permits a citizen, upon request, to have access to those records pertaining to him that an agency maintains in its systems of records (set forth in the Federal Register and republished annually). The Privacy Act contemplates that a citizen, upon reviewing his records, may seek to have incorrect records amended. While no stringent statutory time limits exist for processing Privacy Act requests, as they do for requests under the FOIA, the statute does call for prompt responses. Department regulations set time limits ranging from 20 to 40 working days, depending on the number of records involved. In its FOIA/PA functions, the program seeks to carry out the Congressional mandate in the two Acts and the Administration's policy in favor of maximum openness in government. Thus, the exemptions provided in the two Acts are not invoked to deny records to requesters even when such exemptions are legally available, unless the release of the information would also harm a vital interest of the Division. Requests under the Acts were received at a rate of 100 per month in 1980. The backlog of cases to be processed has continued to creep upward and by the end of 1980, the backlog stood at 268 requests;

Collection of Criminal Fines and Penalties - The Collection Unit oversees and assists the United States Attorneys in the collection of criminal fines, appearance bond forfeiture judgments, criminal penalties and criminal court costs. In 1980, collection efforts resulted in collections totaling in excess of \$25,000,000;

Response to Subpoenas and Court Orders Against the Department - The program implements the provisions of 28 C.F.R. 16.21, et seq., which set forth procedures to be followed when a subpoena, order, or other demand of a court or other authority is issued for the production or disclosure of any material contained in the files of the Department or for testimony by present or former Department employees;

Response to Allegations of Illegal Electronic Surveillance - When a claim is made pursuant to 18 U.S.C. 3504 that illegal electronic surveillance has occurred in relation to a defendant, the Government must search the appropriate investigative agencies (generally seven in number) and affirm or deny the claim. In 1980, the program processed some 72 requests for electronic surveillance requests;

Processing Subpoenas against the News Media - The program processes all requests for permission to subpoena members of the news media pursuant to the provisions of 28 C.F.R. 50.10. During 1980, 40 press subpoena requests were received and processed;

United States Attorneys' Manual - The program continuously updates, revises, and modernizes the Criminal Division's portion of the United States Attorneys' Manual;

Legislative Files and Records - The program maintains files and records on all legislative proposals of interest to the Criminal Division and maintains full and extensive histories on all enacted Federal criminal statutes;

Legal Reference Unit - The Unit digests, analyzes, indexes, and files recent Federal court decisions and legal memoranda. This Unit has developed, and now maintains, a legal brief and policy memorandum bank for use by Division attorneys and paralegals;

Correspondence Unit - The Unit prepares responses to citizen mail on criminal matters;

Division Reports - The program prepares the Division's weekly, monthly, quarterly, and annual reports to the Attorney General. Other activities include: processing requests under the Currency and Foreign Transactions Reporting Act; authorizing use of the Dangerous Special Offender Statute; and, implementing registration provisions of the Gambling Devices Act of 1962.

Accomplishments and Workload: Accomplishments of the Legal Support Services program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Witness Immunities Processed	3205	3530	3600
Tax Disclosure Requests Processed	246	270	3700
Electronic Surveillance Checks with			300
Investigative Agencies	84	72	75
Correspondence Answered	4103	7450	8500
28 C.F.R. 16.21 Subpoenas Processed	432	472	400
FOIA/PA Requests Reviewed	1196	1297	1314
FOIA/PA Requests Processed	945	950	950
Memoranda Processed for Brief			
Bank Inclusion	2000	2200	2300

This program provides a variety of services of a legal support nature to the Division and to the United States Attorneys. Accomplishments can best be judged by comparing output figures to input. With the exception of FOIA/PA, the requests for service received by the program in its major functions have been completed in a timely fashion. Thus, output figures generally match input figures.

As to FOI/PA, the program has a serious and growing backlog of requests for large numbers of pertinent documents which must each be reviewed prior to disclosure decisions being rendered. As of the end of 1980, the backlog stood at 268 requests -- 58 greater than the 210 requests backlogged at the end of 1979.

Correspondence answered rose significantly from the 1979 total of 4,103 to 7,450 in 1980. This 82 percent increase was required because the program assumed the responsibility for responding to letters in criminal subjects, campaign mail and form letters previously handled by the Justice Management Division. This increase, although a strain on existing resources, was accomplished without extra positions due largely to the use of word processing machines.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Office of Special Investigations	50	47 \$2,453	50	47 \$2,600	...	...

Long-Range Goal: To prosecute individuals who allegedly concealed activity committed during World War II involving the persecution of others because of race, religion, national origin, or political opinion, and who thereby gained access to the United States.

Major Objectives:

To identify all alleged Nazi war criminals living in the United States.

To systematically review and investigate all relevant allegations received by the program.

To conduct further investigation in cases as necessary.

To prosecute appropriate cases.

To litigate all currently filed cases.

To develop and maintain a working relationship with foreign governments having information relating to the activities of suspected Nazi war criminals, particularly for the purpose of obtaining relevant documents and witnesses.

Base Program Description: The mission of this program is to detect, identify, investigate, and, where appropriate, take legal action to deport, denaturalize or prosecute any individual who (1) assisted the Nazis by persecuting any person because of race, religion, national origin or political opinion, and (2) who later was admitted as an alien into, or became a naturalized citizen of, the United States.

This program operates under the authority of the Immigration and Naturalization Act, which was amended to authorize appropriate action against individuals who persecuted others because of race, religion, national origin, or political opinion during the Second World War. The activities of this program include historical research, file review, investigations, witness interviews in the U.S. and abroad, litigation support, and denaturalization/deportation litigation before administrative bodies and U.S. courts. Because this program was transferred from the Immigration and Naturalization Service (INS) to the Criminal Division on May 6, 1979 (FY 1980), there will be a shifting of emphasis in its second year (FY 1981). Much of the review of old files (pre-1979) was completed in 1980. In 1981, the investigation of new allegations which have arisen will be emphasized and litigative action will likely increase. In 1982, the Office will focus on litigative action, although the investigation of new allegations (those received since the formation of the Office of Special Investigations (OSI) and those which continue to flow into the Office) will continue.

There are four major phases of work. The first phase, identification, consists of watching a name of a United States resident to an allegation or suspicion of war crimes, and opening an OSI file on that person.

The second phase, investigation, consists of gathering information on an individual who is the subject of a file. This workload is derived from both active investigations and allegations received from citizens and concerned parties. Cases and matters on file are assigned to attorneys and investigators for review and follow-up inquiry as directed. These inquiries entail reviewing prior INS and other investigational efforts, and locating and interviewing witnesses in the United States and abroad. The FBI, CIA, and other governmental agencies are asked if they have information on suspects. Many cases involve international considerations, including travel abroad to interview witnesses, arranging to have foreign witnesses travel to the United States for trial and maintaining appropriate liaison with foreign governments. In some cases, this investigation reveals that the subject is not within the purview of the OSI program. If investigators are able to discover and develop evidence, a decision is made whether to enter litigation and if it is decided to bring suit, investigation actively continues, although the bulk of any investigation will usually be completed prior to filing an action.

The third phase, litigation, begins when the complaint, in denaturalization actions, or the Order to Show Cause, in deportation actions, is filed. Foreign archives are searched by expert historians and archivists in Germany, Poland, Israel and other countries for documents relevant for trial use and consultants and translators are required to translate sensitive foreign documents. Three types of action may be conducted: If the suspect is a naturalized citizen, a civil complaint may be filed in the U.S. District Court seeking a judgment of denaturalization. For resident aliens (including denaturalized citizens), administrative proceedings are brought to seek their deportation. Finally, criminal indictments may be pursued in cases which involve perjury (18 U.S.C. 1001) or other crimes within the statute of limitations. The litigation phase ends with the judgment or other final order which becomes the basis for appeal.

The final phase, appeal, entails all post-judgment proceedings in a case. The losing party, whether government or defendant, can be expected to pursue all available avenues of appeal.

To date, identification and investigation have been the primary emphases of the OSI workload. As more cases are brought, the emphasis on litigation, and later, appeal, will be paramount. While the program is now engaged in aspects of each phase, the planning and allocation of resources to the program must be viewed with the general progression through the four phases in mind, i.e., some investigator positions will, in 1981 and 1982, be converted to litigator positions to adjust the staff mix as the nature of the program's workload evolves.

Accomplishments and Workload: During the program's first year (1980), there has been significant progress toward achieving the program's major objectives. Because the program was newly established, a large amount of time was required for its organization and staffing, recruiting professional and clerical support staff, and initiating operational procedures.

There has been a methodical search for information regarding the subjects of the unit's investigations. The search involved not only interviewing available witnesses, but also checking the records of numerous other federal agencies and searching the various archives of several foreign countries. A major accomplishment has been the systematic review of all matters being either investigated or litigated by the Office, including all files inherited from INS as well as new cases which have arisen. Progress was made in the investigation, screening, and prioritization of approximately 200 matters previously filed and comprehensive case reviews were conducted to determine which cases should be prosecuted.

The Director of this Office has also met with highest level Soviet Union officials and has secured specific promises of cooperation in making Soviet witnesses and documents available. This is particularly significant because many of the program's allegations can be successfully pursued only on the basis of information obtained from these foreign residents and document sources.

Item	Estimates		
	1979	1980	1982
Allegations previously received by (INS)			
New allegations received	220	...	...
Cases reviewed	50	400	25
Cases investigated	0	200	175
Cases closed	20	150	150
Cases filed	0	150	50
Cases in litigation (includes prior year carryover)	0	4	10
Cases appealed	12	22	35
	2	2	10

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1981 Appropriation				1982 Estimate				Increase/Decrease	
Anticipated				Perm. Pos.				Perm. Pos.	
Perm. Pos.	WY	Amount		Perm. Pos.	WY	Amount		WY	Amount
Executive Direction and Control	39	\$1,672	39	38	\$1,756	39	37	\$1,718	-\$38

This program consists of the Office of the Assistant Attorney General and immediate staff (termed Executive Direction) and the Office of Enforcement Operations.

Long-Range Goals:

Executive Direction - To enhance the administration of Federal criminal justice by administering in an effective, fair and uniform manner the nearly 900 federal criminal laws that fall within the enforcement responsibility of the Criminal Division.

Enforcement Operations - To insure that the utilization of the very sensitive investigative techniques by Federal investigative agencies and United States Attorneys is consistent with the law and Department policy.

Major Objectives:

Executive Direction -

To supervise the development and implementation of Department policy in order to assure an effective, fair and uniform administration of Federal criminal laws.

- To establish priorities for the general supervision of national enforcement of those laws.
 - To effectively supervise the planning and operations of the seven line sections and seven staff offices of the Division.
- Enforcement Operations -
- To establish a responsive and efficient management information system in support of qualitative and quantitative evaluations and current reporting requirements. This system will insure coordination with other offices responsible for implementing other requirements of Title III of P.L. 90-351 and Title V of P.L. 91-452.
 - To develop and institutionalize both qualitative and quantitative measures for evaluating the impact on Federal criminal enforcement of the sensitive investigative tools under Office of Enforcement Operations (OEO) supervision.
 - To identify patterns of utility and disutility in the use of sensitive investigative techniques and to reflect such facts in decision making.
 - To train paralegals to perform the appropriate review of witness relocation requests and deal with the myriad matters associated with the Witness Security Program.
 - To insure continuation of the Interagency Relocation Committee to aid in making more efficient the operations of the Witness Security Program.
 - To insure more lead time for the U.S. Marshals to implement their various responsibilities (such as producing a protected witness for trial or debriefing) in response to Division requests.
 - To reduce the number of state and local witnesses and prisoners taken in the Witness Security Program or Federal penal institutions without reimbursement.
 - To train paralegals to process Title III requests, including reviewing affidavits for legal sufficiency.

Base Program Description:

Executive Direction - The activities of the Criminal Division are directed by an Assistant Attorney General, appointed by the President with the advice and consent of the Senate. The Division exercises general supervision over the enforcement of all Federal criminal laws, with the exception of those statutes specifically assigned to the Antitrust, Civil, Civil Rights, Land and Natural Resources, or Tax Divisions. In addition, the Criminal Division supervises certain civil litigation arising under the Federal liquor, narcotics, counterfeiting, gambling, firearms, drug, customs, agriculture and immigration laws.

The Division is also responsible for civil litigation resulting from petitions for writs of habeas corpus by members of the Armed Forces, actions brought by or on behalf of Federal prisoners, alleged investigative misconduct, and legal actions related to national security issues.

In addition to supervising the Criminal Division's enforcement sections and support staffs, this program is responsible for assisting the higher level Department officials in providing top-level criminal justice representation to Congress, OMB and the White House; for maintaining top-level liaison with the 94 U.S. Attorneys and the investigative agencies of the United States Government; and for establishing criminal law enforcement policies and facilitating their implementation throughout the Federal Justice system.

The Office of the Assistant Attorney General carries out its responsibilities through several activities, implemented by the Assistant Attorney General, four Deputy Assistant Attorneys General and support staff.

Enforcement Operations - The Criminal Division is charged with responsibility for the enforcement of the vast majority of Federal criminal statutes and for assuring the integrity of the Federal government, with particular emphasis currently focused against white collar crime, public corruption, organized crime and major narcotics conspiracies. As a support function to this enforcement effort, the Office of Enforcement Operations (OEO) is charged with insuring the appropriate use, both as to law and policy, of the most sensitive investigative tools available to the investigative agencies in their conduct of criminal investigations.

OEO has full responsibility to approve or disapprove requests to use hypnosis in the integration of witnesses and all requests for use of Division confidential funds and, to review and coordinate all applications from local law enforcement entities to borrow and use (within the parameters set by State laws and courts) electronic surveillance equipment in the possession of the FBI, and is solely responsible for the final recommendation made directly to the Assistant Attorney General.

The principal goal of insuring the most effective use of the sensitive investigative tools over which OEO is responsible requires development of uniform procedural guidelines, specially trained attorney and paralegal specialists, and coordination and liaison with the United States Attorneys' offices, Organized Crime Strike Forces, United States Marshals Service, Bureau of Prisons, and the applicable Federal investigative agencies, such as the Federal Bureau of Investigation, Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco and Firearms (ATF), and United States Secret Service (USSS), as well as several state or local agencies.

Requests for use of the Witness Security Program are received from Congressional committees, United States Attorneys, Organized Crime Strike Force Chiefs, and Assistant Attorneys General of other divisions of the Department of Justice, as well as state and local law enforcement authorities. The requests are analyzed by paralegal specialists and coordinated (mostly by written correspondence) with the requestor, the affected investigative agency, United States Marshals Service, and, if applicable, the Bureau of Prisons. Each incoming Witness Security Program request is reviewed to insure that the following criteria are met:

- a. That it involves a quality case reflecting Division priorities.
- b. That the prosecution has a reasonable chance of success and will produce significant results if successful, e.g. incarceration of significant criminals, disruption of a major illegal operation, elimination of a major illicit revenue source, deter similar criminal acts.
- c. That the witness' testimony is essential to the prosecution.
- d. That there exists a real threat to the personal safety of the witness and his family.

If it is determined by the paralegal specialist that the above criteria are met, the request is approved by the Director or Associate Director of OEO. If not, disapproval is communicated to the requestor. After the approved witness is accepted into the program, liaison (written and telephonic) is maintained with the requestor, the affected investigative agency, the USMS, the FBI, and, if applicable, the Bureau of Prisons to ensure that the safety of the witness and his/her household is maintained.

Applications from United States Attorneys and Strike Force attorneys for the use of electronic surveillance are reviewed by OEO. Consensual monitoring is approved by the Director or Associate Director upon a determination that its use is vital to the success of the investigation and meets the requirements of 18 U.S.C. 2511. The Director or Associate Director recommends directly to the Assistant Attorney General the approval or disapproval of applications for wiretaps. This recommendation is made after the application and its relevant documents have been reviewed by an attorney or paralegal specialist to ensure that the criteria for compliance with 18 U.S.C. 2510-2520 and Department policies and priorities are met.

Requests from United States Attorneys and federal investigative agencies to use hypnosis in the interrogation of witnesses are reviewed by attorneys in OEO and approved or disapproved by the Director or Associate Director. These requests must comply with Title 9, Chapter 4, 600 of the United States Attorney's Manual.

OEO develops uniform procedural guidelines and requirements regarding application of, and reporting of, and the results of utilization of wiretaps, consensuals, hypnosis in interrogation of witnesses, and witness security, and conducts training programs for personnel assigned to OEO, the United States Attorneys' offices, Organized Crime Strike Forces, other field offices of the Criminal Division, and the federal investigative agencies (especially the FBI, DEA, ATF, and USSS) in these guidelines and requirements. OEO also assists and/or advises nonfederal law enforcement agencies in the utilization of witness relocation or the establishment of their own programs.

OEO implements Division policies and priorities in serving as liaison with both the United States Marshals Service and the Bureau of Prisons for state and local agencies requesting federal assistance via either the Witness Security Program or federal incarceration for endangered witnesses whom the states have determined they cannot successfully protect.

OEO is responsible for constantly making decisions in the field of law pertinent to the functions of the Office, especially in those areas where there are no established precedents or where there is much room for interpretation and exercise of discretion.

OEO is responsible for the review of and making recommendations with respect to proposed changes in legislation relating to statutes for which the Office has responsibility.

OEO is responsible for reviewing applications from local law enforcement agencies to borrow electronic surveillance equipment from the FBI in accordance with Attorney General Order Number 890-80, dated April 29, 1980.

Accomplishments and Workload:

Executive Direction - Throughout the years, this program has endeavored to provide the Federal criminal justice system with national leadership, centralized coordination, and effective direction in conjunction with:

- (a) the development of legislative programs based on Division experience with existing laws and the needs of the criminal justice system;
- (b) the obtaining of favorable constitutional and statutory interpretation of Federal criminal laws, rules and investigative methods in cases before the United States Supreme Court, and
- (c) carrying out the Department's high priority investigative and prosecutive programs against criminal activities such as white collar crime, public and corporate corruption, organized crime and labor racketeering, and trafficking in narcotics and dangerous drugs.

Enforcement Operations - Actual accomplishments during 1979 and 1980 and estimated accomplishments for 1981 and 1982 are summarized below.

In addition to the ever present daily requests for authorization for witness protection, use of hypnosis, electronic surveillance, and consensual monitoring, OEO has major areas of responsibility where performance cannot be meaningfully quantified. These responsibilities include continuously analyzing and evaluating the implementation of the sensitive techniques supervised, reviewing and suggesting proposed changes in legislation relating to the statutes for which the Office has responsibility, interpreting existing statutes (relating to these sensitive techniques) where established precedents do not exist, providing input to the development and refinement of prosecutorial enforcement strategies relating to these techniques, and generally exercising careful discretion in approving and disapproving the use of these sensitive techniques. Because the daily influx of authorization requests is enormous and each requires prompt decisions and actions, reviewing the requests is the most important function of the Office. The other functions seldom receive priority on a daily basis and may not in fact be performed at the proper level of completeness. The creation of the Office which centralized this function, thereby ensuring uniformity and increased personnel efficiency (a relatively small staff handling these responsibilities rather than a much larger number required to be abreast of policies and who get involved in these matters only sporadically), has markedly increased the likelihood of these other activities being performed.

	Estimates		
	1981	1982	1982
New Witness Security Program (WSP) requests	440	355	350
Matters concerning witnesses from prior years	20	40	30
Prisoner-witness matters	175	200	235
Title III requests	158	154	160
Consensual monitoring requests	7,503	8,806	10,000
Confidential funds requests	2	0	4
Request for use of hypnosis	37	87	100
Request for use of FBI equipment	---	2	5
Statistical reports (Title III/Consensuals)	60	69	69
Statistical reports (witness, prisoner-witness)	71	71	71
Witnesses accepted into program	400	315	340
Emergency witness protection authorized	100	18	15
			88

	1979	1980	Estimates
			1981 1982
State/local acceptances into WSP			
without reimbursement	30	14	10 5
Paralegals assuming responsibilities			
previously assigned to attorneys	0	1	0 1
Wiretaps approved	144	118	140 140
Consensuials approved	7,499	8,803	9,995 9,995

Program Changes: A reduction of no positions, 1 workyear and \$38,000 is requested so that these programs can assist the Department in meeting reduced Government employment targets.

All major objectives can be substantially achieved at this funding level. The Federal Government's criminal justice policies can be favorably influenced, the Division will continue sound enforcement practices and planned, and actual operations of the Division's offices and sections can be effectively supervised.

Enforcement Operations - This Office's workload is largely independent of staff size. Because requests for authorizations to use witness protection, electronic surveillance, use of hypnosis, and consensual monitoring are uncontrollable and will continue to be made, all must be reviewed and a careful decision rendered in each instance. The current level staff is adequate to satisfactorily handle these daily matters. However, other OEO responsibilities, such as analyzing and evaluating the implementation and utility of these sensitive techniques, making recommendations on enforcement strategies, and reviewing and interpreting of current and pending legislation, will not receive the attention they require.

The projected constant level of incoming witness protection requests is premised on a relatively constant level of resources for federal criminal law enforcement overall. It is logical to assume that those investigative personnel will, at the very least, continue their efforts to use sensitive techniques in the pursuit of priority criminal cases.

The number of matters concerning the protection, care, treatment and handling of witnesses admitted in prior years is expected to taper off slightly as the U.S. Marshals Service becomes better able to provide quicker and more thorough services in support of the witnesses' new identity and relocation status. More careful review of incoming requests will enable OEO to screen out more requests not meeting the specific criteria. As a result, fewer new witnesses may be approved each year, thereby possibly reducing the number of attendant problems and incidents overall. Prisoner-witness matters are expected to increase slightly each year as the number of newly incarcerated witnesses exceeds the number released each year.

Two OEO objectives, which are not now being met, will also not be met in 1982: 1) to qualitatively and quantitatively evaluate the impact on federal criminal enforcement of the sensitive investigative tools under OEO supervision, and 2) to expand the preparation of instructional materials and the conduct of training.

Qualitative and quantitative analyses of the impact on federal criminal enforcement of the sensitive investigative tools are paramount to the continuation of these programs. Although it is generally agreed that the use of wiretaps, consensuials, and the protection of endangered witnesses are essential in the federal program against organized crime,

the program does not currently have the manpower to accurately measure the effectiveness of the use of these investigative tools.

In the past, OEO has conducted regional seminars to explain requirements and workings of the Witness Security Program to United States Attorneys and Strike Force Chiefs and has participated in witness security seminars arranged for the United States Marshals Service. Similar seminars, preceded by the preparation of instructional material, are needed regarding wiretaps, consensuals, and hypnosis, and for the OEO objective of training U.S. Attorney offices, paralegals to process Title III requests and to deal with the myriad matters associated with the protection of endangered witnesses.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease		
	Perm.	Anticipated	Perm.	WY	Perm.	WY	Perm.	WY	
Administrative Services.....	50	50	\$1,128	50	\$1,203	50	49	\$1,167	-1 - \$36

Long-Range Goal: To provide efficient administrative support to the Division's managers and staff while implementing improved management systems.

Major Objectives:

To assist in developing, and facilitate the implementation of, policies relating to the efficient administrative management and organization of the Division.

To develop and compile the annual and supplemental budget estimates and annual authorization, request of the Division.

To plan and execute the fiscal operating plan for the current year, including maintaining an automated system for funds management and control.

To administer management programs dealing with the delivery, maintenance, storage and use of Federal records and official correspondence.

To coordinate personnel processing functions within the Division for headquarters and field contingents.

To assist the Deputy Assistant Attorney General for Policy and Management in the collection and dissemination of caseload and workload statistics, as well as in implementation of a comprehensive caseload/resource management information system.

To maintain and procure inventories of supplies, equipment and furniture.

To process requests for work space, telephone changes, office renovations and equipment repairs.

To administer fiscal services and maintain manual and ADP records for funds obligation and expenditures, travel authorizations, vouchers, advances, duty station relocations (residential moves), and commercial obligations and invoices.

To administer a variety of support services such as parking permits, identification cards, duplicating services, printing requisitions and the distribution and maintenance of Division handbooks and manuals.

To ensure the security of classified and sensitive material and process personnel security clearance requests.

To inspect the Division's work spaces to assure compliance with Occupational Safety and Health Administration standards.

To operate automated data processing (ADP) systems and/or coordinate ADP systems with the Justice Management Division (JMD) to support complex investigations and litigation and to provide caseload/resource management information.

To establish, implement and expand word processing services and investigate potential efficiencies of shared logic systems for integrating JURIS, ADP litigation management and ADP litigation support systems with word processing capabilities.

Base Program Description: The wide range of services provided by the Office of Administration (OOA) requires close liaison with all of the Division's components, JMD, the General Services Administration (GSA), and contractor personnel associated with the Division. The areas of required expertise include, but are not limited to: Office of Personnel Management (OPM) regulations, GSA and Departmental procurement procedures, planning techniques, budget and fiscal administration, records management, security administration and safety management. Seven operational units provide the necessary administrative services: Office of the Director, seven positions; Personnel Unit, five positions; Fiscal Unit, five positions; Mail File and Records Services Unit, 24 positions; Procurement, Security, Safety and Space Unit, two positions; Statistical Unit, two positions; and, Word Processing Center, four positions.

Accomplishments and Workload: The Office of Administration has achieved the majority of its objectives when measured in strict quantitative terms, although resource constraints have resulted in certain qualitative deficiencies and an inability to provide, in a timely manner, the full range of services appropriate for the program's duties.

Major accomplishments include establishing a Word Processing Center which primarily serves the Offices and Sections housed in the Federal Triangle Building. The advantages of modern technology and more effective use of the Division's limited personnel resources for large typing production and text revisions are realized through this Center. An overdue, partial expansion of word processing capabilities is planned for 1981.

For ADP litigation support, the OOA provided operational support in 1980 for several OPM-designed computer applications to help manage investigations and prosecutions of extreme complexity. These included: (1) an evidence tracking system for the Teamsters' Central States Pension Fund investigation, which assisted in revealing evidence of new violations that ultimately extended the statute of limitations in the case, an outcome which heightens the likelihood of successful prosecution; (2) an evidence-tracking system for the McDonnell-Douglas Foreign Corrupt Payments investigation; (3) an automated information system for the Office of Special Investigations to use in cross-indexing witness testimony and in corroborating witness' statements; (4) a subpoena tracking system which can be used by any Department litigation program where there is a need to coordinate subpoenas in large, multi-district cases; and, (5) a White-Collar Crime Referral Data System to assess case referrals by type from Inspectors General and to assist in developing the Attorney General's white collar crime

priorities. Based on the Division's policy to use ADP systems only in support of extraordinarily complex cases, four to five cases having such a degree of complexity can be expected to receive ADP support each year.

For ADP caseload/resource information, the OOA provided support to OPMA for a pilot Case Management Information System (CMIS) to operate on word processing equipment. This system records key information about investigations and prosecutions for which the Division has substantial operational responsibility, and will help Division managers to more effectively reveal the use of litigation resources. The CMIS will also meet all information requirements stated in the Department's "Plan for Case Information and Tracking Systems" submitted to Congress as required by the 1980 Authorization Act.

When the system is fully operational in 1981, it is planned that the OOA will assume operational responsibility.

Regardless of the burdens on limited administrative support staff, expansion of priority Division programs was achieved in 1980 without the needed expansion of OOA resources.

The Office of Special Investigations (of alleged Nazi war criminals) was transferred from the Immigration and Naturalization Service in 1979; in 1980, it was expanded to a staff of 50. This involved considerable personnel acquisition, procurement, space management, administrative support, domestic and foreign travel processing and the employment of interpreters.

The Economic Crime Enforcement program was expanded in 1980, and the Organized Crime Strike Forces program was enlarged. Both programs required extensive, on-going administrative support as well as new administrative services to establish new field offices for the Economic Crime Units and new offices for the Strike Forces.

The FBI Task Force was relocated from the Main Building to the U.S. Courthouse, District of Columbia, to conduct the eight-week trial. Upon conclusion of the trial, all files and remaining staff were then returned to the Main Building. This necessitated considerable logistical support, including space acquisition from the Court and the United States Attorney and coordination with the JMD Security Staff.

The Office of Special Counsel (Carter Warehouse case) completed its investigation; administrative services were provided to support, as well as dismantle the office in 1980.

In April 1980, a new entity required unplanned administrative support: The Attorney General required that the Division provide seven permanent staff to the Executive Group Staff in support of the President's Executive Group to Combat Fraud and Waste in Government. This entailed the full range of personnel, space, equipment, supplies and other acquisitions for the permanent staff and detailed auditors from the Inspectors General and OMB. The Group was first located in the Main Building and then relocated to the Todd Building. The OOA is now assisting the Office of the Deputy Attorney General and JMD in transferring the operation to the Deputy Attorney General's Office.

In meeting these new requirements, which are not unique to this fiscal year, the Office of Administration continued to provide day-to-day administrative support services to the Division. To keep these accomplishments in perspective, it should be noted that this program has not received a Congressional increase in over ten years yet; during those years, the operating programs were increased by over 150 percent and the Division moved into greatly increased field operations.

It should be evident that the measurable aspects of this program are difficult to define. In fact, accomplishments are measured not so much in terms of what gets done as much as what does not get done. For example, it is the paycheck or travel reimbursement which is not processed in a timely fashion that indicates a problem; that all other such items are delivered promptly only means that the limited personnel available were able to cope with the majority of the workload. Similarly, certain services are not provided but should be, such as auditing travel vouchers for accuracy and completeness or conducting exit interviews of departing personnel to improve management practices and the quality of administrative support services. In assessing the accomplishment of objectives, as well as determining the adequacy of resources, it is important to focus on those services which are demanded and should be improved or newly provided but which cannot be performed without sufficient resources.

Output measures for the program in 1980 are as follows:

Award recommendations	84	Attorney statistical sheets processed	28,920
Check distribution	8,800	Surveys completed	32
Time and attendance distribution	17,900	Telephone inquiries	5,112
Employee counseling	2,088	Appointments prepared/processed	276
Probation processing	152	Financial obligations	9,000
New employees processed	432	Travel authorizations processed	6,100
Non-legal personnel interviews	264	Vouchers processed	6,000
Position descriptions written/revised	60	Commercial invoices processed	3,900
Pre-appointment waivers processed	48	Document control register	1600 workhours
Step increases processed	504	Fiscal advice/audits	1600 workhours
Training requests processed	244	New matters classified	119,580
T/A audits	135 workhours	FOIA and PA file searches	15,412
Debriefing resigned employees	121	Cases searched (name-checks)	1,824
Personnel reassignments	300	Mail referred	9,988
Promotions processed	120	FOIA files acquired	2,128
Promotion programs offered	156	Incoming mail and teletypes	9,840
		Outgoing mail and teletypes	4,592

Program Changes: A decrease of one workyear and \$36,000 is requested to assist the Department in meeting reduced Government employment targets in 1982. This requested decrease is the Administrative Services program's share of a Total Criminal Division reduction of 9 positions, 12 workyears and \$496,000 distributed as follows: A reduction of 9 positions, 9 work-years and \$384,000 in the Appellate program; the remaining reduction of 3 workyears and \$112,000 are divided among the non-litigating "overhead" programs: Executive Direction, Policy and Management, and Administrative Services.

1981 Appropriation Anticipated	1982 Base			1982 Estimate			Increase/Decrease					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
Policy and Management	26	24	\$884	26	24	\$940	26	23	\$902	...	-1	-\$38

This program includes resources for the Office of Legislation and the Office of Policy and Management Analysis.

Long-Range Goal: To increase the Criminal Division's impact on law enforcement problems through more effective management of its several programs and by providing greater leadership of the law enforcement community in developing and evaluating programs, priorities and legislation.

Major Objectives:

Office of Legislation -

To facilitate the enactment and implementation of a new Federal Criminal Code to replace the existing Title 18, United States Code.

To monitor, analyze and comment upon legislative proposals concerning access to evidence.

To analyze and comment upon all legislative proposals developed within Congress which affect the criminal justice system.

To improve and support those legislative measures which will advance Federal law enforcement.

To establish a body of substantive law and procedure to combat Federal crime and to serve as a model for the fifty states.

Office of Policy and Management Analysis -

To analyze law enforcement problems to help establish investigative and prosecutive priorities and design new enforcement programs.

To evaluate the enforcement programs that the Criminal Division operates or oversees to insure that law enforcement resources are used efficiently and effectively.

To maintain close working relationships with other components of the law enforcement system to exchange information about policy concerns and priorities and to coordinate the design and evaluation of law enforcement programs and the pursuit of policy-related research.

To evaluate and recommend ways to improve the Division's management practices, particularly in the areas of budget policy, personnel policy, and management information systems.

To identify and plan a response to new developments, such as the enactment of new legislation, that significantly affect the Division's managerial and programmatic responsibilities.

Base Program Description:

Office of Legislation - The program develops, in cooperation with other Federal justice agencies, legislative proposals, legal memoranda, and statements to be presented to Congress by officials of the Department; drafts responses to requests from Congressional committees and Government agencies for Department comment on proposed legislation; and provides legal support to the Assistant Attorney General in the discharge of his or her responsibilities as a member of the Advisory Committee on Criminal Rules of the Judicial Conference, which develops and drafts proposed amendments to the Federal Rules of Criminal Procedure.

Office of Policy and Management Analysis - The program identifies, analyzes, and recommends policies on issues affecting the role, functions, and missions of the Division. The work of this program includes advising the Assistant Attorney General on the establishment of goals and priorities for the Division and the Federal law enforcement community; evaluating existing enforcement programs; supporting the Division's litigation sections in designing and implementing new enforcement programs; developing improvements in the Division's management systems and practices; and advising the Assistant Attorney General on issues of budget policy and resource allocation.

Accomplishments and Workload:

Office of Legislation - The program's major accomplishments in 1980 include:

1. Produced, in concert with the Senate Judiciary Committee, the proposed new Federal Criminal Code to replace the existing Title 18 of the U.S. Code.
2. Monitored the meetings of the House Committee on Criminal Justice and the full House Judiciary Committee in developing a draft of the Federal Criminal Code.
3. Coordinated Department of Justice review of more than 25 Executive Branch legislative proposals and more than 50 Congressional requests for Department of Justice comments on legislation.
4. Played a major role in the implementation of the Financial Privacy Act, which the program continues to monitor.
5. Drafted and coordinated review, of a major legislative response to public concern over the Stanford Daily case.

Office of Policy and Management Analysis - The program's major accomplishments in 1980 include:

1. Recommended national white collar crime law enforcement priorities for approval by the Attorney General after gathering and analyzing data from numerous Federal departments and agencies.
2. Developed and pilot tested an evaluation system to assess the activities of organized crime and review the impact of individual Strike Forces.
3. Developed and recommended strategies for the Department's efforts to combat the large-scale importation of heroin from southwest Asia.
4. Designed and staffed a semi-annual management review and planning process to provide a basis for top management decisions on budgets, personnel ceilings, and program objectives for the Division's fourteen sections and offices.

5. Designed, tested and implemented a case management information system in two of the Division's litigating sections and began implementation of the system in four other litigating sections.
6. Provided staff support to the Assistant Attorney General in establishing the Executive Working Group on Federal-State-Local Prosecutorial Relations, composed of representatives from the Department, the National Association of Attorneys General, and the National District Attorneys Association.

Workload summary:

Item	Estimates	
	1981	1982
Office of Legislation		
Legislative and Rule Proposals Prepared	110	85 ^a
Legislative Proposals Receiving Substantial Staff Support	5	5
Legislative Acts Implemented with Substantial Staff Support	3	4
Workyears Expended on the Revised Federal Criminal Code	2	5
Office of Policy and Management Analysis ^{aa}		
Projects pending, start of year	6	28
Projects initiated	67	50
Projects completed	48	47
Projects pending, end of year	25	31

Program Changes: No change in positions and a reduction of one workyear is requested for these programs to assist the Department in meeting reduced Government employment targets. Continuation at near current staffing levels is necessary to ensure that the Division can produce high quality analyses of legislative, managerial and policy issues, and is able to provide policy leadership for the Federal law enforcement community.

^a Assumes the passage of the Federal Criminal Code. Otherwise an increase in the number of proposals would be anticipated.

^{aa} The projects undertaken vary in their scope and complexity, and hence in the quantity of resources they require. Part of the variation in the number of projects for different years may thus be a result of a change in the mix of projects by size. Also note that quality is a crucial dimension of this program's output for which there is no generally accepted statistical measurement.

With no change in positions and a reduction of one workyear the programs will accomplish the following:

Office of Legislation -

1. Facilitate the enactment and implementation of the new Federal Criminal Code.
2. Provide analysis, comment upon, and develop legislative proposals dealing with privacy.
3. Provide staff support to Department legislative initiatives and respond to legislative proposals developed outside the Department.
4. Participate in the development of proposed changes in the Federal Rules of Criminal Procedure.

Office of Policy and Management Analysis -

1. Conduct analyses of, and develop program proposals relating to, important policies and issues in Federal law enforcement, as directed by Division management.
2. Review and recommend changes to the investigative and prosecutive priorities within the Department's major enforcement areas.
3. Continue the process of evaluating the activities of the Organized Crime Strike Forces and Economic Crime Enforcement Program's Field Units.
4. Develop policy and program guidance for the Criminal Division's annual budget requests.
5. Maintain the process of semi-annual management reviews for each of the Division's sections and offices.
6. Enhance the Division's Case Management Information System by converting it to computerized operations, within resource availability.
7. Provide staff support for the Criminal Division's liaison activities with state and local prosecutors and with criminal justice research programs.

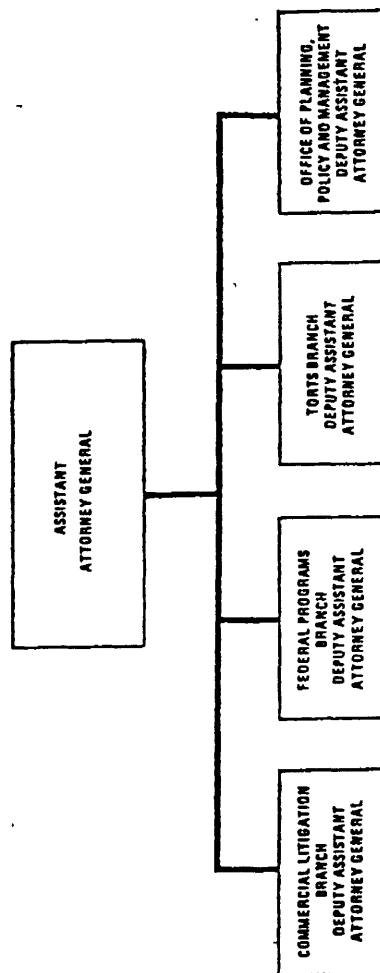
Criminal Division
1982 Funding Request
Priority Ranking of Programs

<u>RANKING</u>	<u>PROGRAM</u>
1	ORGANIZED CRIME PROSECUTION
2	PUBLIC INTEGRITY (CORRUPTION)
3	FRAUD
4	NARCOTIC AND DANGEROUS DRUG PROSECUTION
5	INTERNAL SECURITY
6	OFFICE OF SPECIAL INVESTIGATIONS
7	GENERAL LITIGATION AND LEGAL ADVICE
8	FEDERAL APPELLATE ACTIVITY
9	EXECUTIVE DIRECTION AND CONTROL
10	POLICY AND MANAGEMENT
11	INTERNATIONAL AFFAIRS
12	LEGAL SUPPORT SERVICES
13	ADMINISTRATIVE SERVICES

Criminal Division
 Salaries and expenses, General Legal Activities
 Financial Analysis - Program Decreases
 (Dollars in thousands)

Item	Appellate Pos. Amount	Exec. Dir. & Cont. Pos. Amount	Admin. Services Pos. Amount	Policy & Insp. Pos. Amount	Pos. Amount
Grades					
GS/11-14.....	-4 \$ -151	...	...	...	-4 \$ -151
GS/11-13.....	-3 -96	...	...	...	-3 -96
GS-12.....	-2 -54	...	...	...	-2 -54
Total positions and annual rate.....	-9 -301	...	...	...	-9 -301
Types (-).....	...	...	...	...	...
Total workyears and personnel compensation.....	-9 -301	-1 -29	-1 -29	-1 -29	-12 -388
Personnel benefits.....	...	...	...	...	...
Travel.....	-16	-3	-3	-3	-18
Standard level user charge.....	-17	-1	-2	-2	-23
Communications, utilities, and other rent.....	-7	-1	-1	-1	-10
Printing and reproduction.....	-4	...	...	...	-4
Other services.....	-2	-1	...	-1	-4
Supplies and materials.....	-4	...	...	...	-4
Equipment.....	-4	-1	-1	-1	-7
Total workyears and obligations, 1982.....	-9 -384	-1 -38	-1 -36	-1 -36	-12 -496

CIVIL DIVISION



Civil Division
Salaries and expenses, General Legal Activities

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation		1981 Supplementals		1981 Appropriation	
	Fos. Wt.	Amt.	1981 Request	1981 Amt.	Program Requested	Fos. Wt.	1981 Amt.	Anticipated
1. Claims, customs and general civil matters:								
Federal appellate activity.....	59	65	\$1,989	...	2	2	\$170	61
Torts claims.....	141	169	6,233	...	-10	-10	-79	67
Commercial litigation.....	245	255	9,304	...	-35	-35	-812	\$2,274
Federal programs.....	174	177	6,071	...	-19	-19	-313	131
Executive direction and control.....	22	27	1,090	...	7	7	199	159
Administrative services.....	19	20	1,125	...	55	55	835	6,923
Total.....	660	713	25,812	...	...	...	...	210
								220
								9,299
								6,051
								1,346
								2,090
								27,983

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogramming

The reprogramming of positions and budget authority reflects the effects of two reprogramming notifications dated August 26, 1980 and October 28, 1980. The narrative that accompanied the notifications indicated that the reprogrammings were permanent in nature and would carry into 1981.

Supplementals Requested

1. The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriation, 1981).
2. The supplemental request for \$500,000 provides funds for private counsel expenses.
3. The supplemental request for \$400,000 provides funds for foreign counsel expenses.

Civil Division

Salaries and expenses, General Legal Activities

Summary of Requirements
(Dollars in thousands)

Adjustments to base and built-in changes	Perm. Pos.	Work- Years	Amount
1981 as enacted	660	713	\$25,812
Supplementals requested:			
1981 Pay supplemental .....	...	...	1,271
1981 Program supplemental derived by transfer of unobligated balances from Federal Prison System, Buildings and Facilities .....	...	...	900
1981 appropriation anticipated	660	713	27,983
Uncontrollable increases:			
Annualization of 1981 pay increase .....	...	...	381
Within-grade increases .....	...	...	187
Retirement contributions - Social Security (FICA) .....	...	...	1
Health benefits costs .....	...	...	32
Standard Level User Charge (SLUC) .....	...	...	133
GSA recurring reimbursable services .....	...	...	17
Federal Telecommunications System (FTS) .....	...	...	169
Travel costs - airfare increases .....	...	...	327
GPO printing costs .....	...	...	4
Printing costs for the Federal Register and Code of Federal Regulations .....	...	...	1
Departmental printing and reproduction costs .....	...	...	33
General pricing level adjustment .....	...	...	192
Total, uncontrollable increases .....	...	...	1,484
Decreases:			
Non-recurring cost for 1981 program supplemental .....	...	...	900
1982 Base	660	713	28,567

Estimates by budget activity	1980 Enacted Perm. Pos.	1980 Actual Perm. Pos.	1981 Appropriation Anticipated Perm. Pos.	1982 Base Perm. Pos.	1982 Estimate Perm. Pos.	Increase/Decrease Perm. Pos.
Claims, customs, and general civil matters....	660 693 \$26,506	652 700 \$26,307	660 713 \$27,983	660 713 \$28,567	660 713 \$29,689	... .. \$1,122

Civil Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm.		Pos.	Perm.		Pos.	Perm.		Pos.	Perm.		Pos.	Perm.		Pos.	Perm.		Pos.
	WY	Amount		WY	Amount		WY	Amount		WY	Amount		WY	Amount		WY	Amount	
Federal Appellate																		
Activity.....	61	\$2,169	60	66	\$2,163	61	67	\$2,274	61	67	\$2,398	61	67	\$2,499	...	...	...	\$101
Torts Claims.....	131	6,662	130	156	6,612	131	159	6,923	131	159	6,853	131	159	7,077	...	...	...	224
Commercial Litigation..	210	8,704	207	216	8,617	210	220	9,299	210	220	9,358	210	220	9,762	...	...	...	404
Federal Programs.....	155	5,805	153	154	5,789	155	158	6,051	155	158	6,394	155	158	6,641	...	...	...	247
Executive Direction																		
and Control.....	29	1,286	29	34	1,283	29	34	1,346	29	34	1,406	29	34	1,462	...	...	...	56
Administrative																		
Services.....	74	1,880	73	74	1,883	74	75	2,090	74	75	2,158	74	75	2,248	...	...	...	90
Total.....	660	26,506	652	700	26,307	660	713	27,983	660	713	28,567	660	713	29,689	...	...	...	1,122
Other Workyears																		
Holiday.....																		
Overtime.....																		
Total compensable																		
workyears.....	703			710			718		718		718		718		717.1			-9

Civil Division

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary

Activity: Claims, customs, and general civil matters	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.			Pos.			Pos.			Pos.		
	Per.	WY	Amount	Per.	WY	Amount	Per.	WY	Amount	Per.	WY	Amount
Federal Appellate Activity.....	61	67	\$2,274	61	67	\$2,398	61	67	\$2,499	...	...	\$101
Torts Claims.....	131	159	6,923	131	159	6,853	131	159	7,077	...	...	224
Commercial Litigation.....	210	220	9,299	210	220	9,358	210	220	9,762	...	...	404
Federal Programs.....	155	158	6,021	155	158	6,394	155	158	6,641	...	...	247
Executive Direction and Control.....	29	34	1,346	29	34	1,406	29	34	1,462	...	...	56
Administrative Services.....	74	75	2,090	74	75	2,158	74	75	2,240	...	...	80
Total.....	660	713	27,983	660	713	28,567	660	713	29,689	...	...	1,122

This activity provides for representation of the interests of the United States in all types of civil cases and matters except those within the specialized fields of the other Divisions of the Department. The Division is thus responsible for general civil litigation brought by or against Cabinet members and other Federal executives in their official capacities. The litigation arising from such activities encompasses the spectrum of legal problems encountered by private business enterprises, because the departments and agencies of the Government are engaged in innumerable commercial ventures similar to those of a modern corporation, such as buying, selling, construction, shipping, production of energy, insurance, housing and banking. In addition, the Division litigates the significant policy issues, often rising to constitutional dimension, associated with Government activities. Hence, the overall objective of Civil Division activity is to provide the Government with the best possible legal representation. While the Division operates as the Government's law firm, it also functions as a counselor and advisor for important Government programs that may come into litigation.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease				
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.			
	WY	Amount	WY	Amount	WY	Amount			
Federal Appellate Activity.....	61	67	\$2,274	61	67	\$2,499	\$101

Long-range Goal: To protect to the maximum extent possible the interests of the United States by successfully defending appeals which seek reversal of lower court and agency decisions favorable to the Government and securing the reversal of lower court or agency decisions against the Government, handling cases initially filed at appeals court level and preparing documents for filing on civil matters in the Supreme Court.

Major Objectives:

To prevail in appellate litigation which challenges trial court or administrative decisions in favor of the United States fully weighing the consequences on the overall justice system and to initiate and prevail in appeals in which the Government's opponent was successful at the trial court level.

To fully protect the Government's interest at the highest level of appeal by preparing all documents filed in the United States Supreme Court including briefs on the merits, petitions for certiorari and jurisdictional statements for cases which arise out of the activities of the Division.

To provide counsel to client agencies and ensure sensitivity to their needs and concerns.

To improve the resource management of the program by the uniform application of sound litigation management techniques, emphasis on the development and training needs of program personnel, implementation of technologically current efficiencies (ADP and word processing systems) and increased coordination with other entities of the Division, the Department and the Executive, Legislative and Judicial Branches.

Basic Program Description: This is a centralized program which handles all the Division's appellate activity, including preparation of all documents filed in the Supreme Court.

Because of the caseload growth, only 22 percent of the appellate cases have been assigned to program attorneys in recent years. Criteria used for retention include certiorari caliber cases and cases involving constitutional issues, large sums of money, important Federal programs, new statutory provisions, several agencies or significant issues calling for specialized appellate expertise such as jurisdictional issues and important national policies. In addition, all appeal and certiorari memoranda and all Supreme Court cases are handled by program personnel.

The remaining 78 percent of the caseload is assigned as supervised cases to attorneys in the U.S. Attorneys Offices (64 percent), to attorneys elsewhere in the Division (7 percent) and to attorneys in client agencies (7 percent). Where the Government has been successful in the district court and that judgment is challenged in appeal, the case is generally assigned to the trial attorney.

Cases retained by the staff are normally handled by an attorney who has primary responsibility for the case, and a supervisory attorney. The supervisory attorney is either the program's Director, an Assistant Director or a senior attorney. Approximately 25 percent of the program's staff time is devoted to preparing memoranda to the Solicitor General, approximately 50 percent to briefing and arguing cases in courts of appeals and approximately 25 percent to Supreme Court work. With the projected workload in 1982 and the commitment to maintain the objective of handling all Supreme Court cases and appeal and certiorari memoranda, the use of the proposed program resources will dramatically change because only 33 percent of staff time will be devoted to the personal handling of 16 percent of the courts of appeals caseload. The program also provides aid and expertise to the U.S. Attorneys and Division and client agency trial attorneys. This includes telephone consultations, provisions of argument synopsis and discussion of position to be taken.

Accomplishments and Workload: Quantitative measurements for the Federal Appellate Activity program are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Lower Appellate Court Cases			
Personally Handled.....	1,012	1,087	1,010 971
Supervised.....	3,390	3,855	4,395 5,248
Appeal and Certiorari			
Memoranda Prepared and			
Sent Forward.....	2,195	2,543	2,925 3,364
Supreme Court Cases Handled.....	310	354	409 443

In 1980, the program was responsible for the following accomplishments:

Termination of 68 percent (241) of all Supreme Court cases handled (35%). Eighty-five percent (205) of the terminations were favorable.
 Termination of 63 percent (682) of the personally handled lower appellate court cases (1,087). Eighty-eight percent (598) of these terminations were favorable.

Successful participation in Supreme Court cases involving, for example, important national security issues (*Snepp v. United States* - decision to deter future violations of pre-publication review agreements), torts claims liability (*United States v. Rubrick* - court limited liability of United States in medical malpractice suits) and foreign

policy (Gholamreza Narenji, et. al. v. Civiletti. - protecting the integrity of the regulations to require non-immigrant Iranian students to report to a local INS office).

Successful participation in courts of appeals cases involving, for example, economic policy (APL-CIO v. Kahn - decision to allow the President to regulate awarding of government contracts in excess of \$5 million only to firms who complied with specific wage and price guidelines) and desegregation in education issues (Darryl Brown v. Calliano - involving limitations on busing as a remedy to segregated school districts).

Increase in the capacity for supervision and review of the workload by designating and training of four new senior trial attorneys.

Initiation of an experimental program to use third-year law students (part-time employees) under the supervision of experienced staff members to draft briefs in opposition in the Supreme Court in order to meet the Appellate Staff's increasing workload.

Program Changes: An increase of \$101,000 is requested in 1982 for word processing equipment. Over the last three years, serious funding deficiencies have caused an inability to rent an adequate number of technologically current word processing machines to support the efficient preparation of voluminous legal documents and correspondence and eliminate needless duplication of effort. Without this program increase, more than usual employment of part-time and temporary clerical employees and high levels of clerical overtime will remain a necessity to meet workload demands.

It has been projected that as much as \$600,000 worth of personnel resources per year are lost throughout the Division due to inadequate word processing capabilities. By enhancing the word processing capability to the requested level, employees can be properly redirected to other vital legal support activities.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Tort Claims.....	131	159	\$6,923	131	159	\$6,853	131	159
							\$7,077	...
								\$224

Long-Range Goal: To protect the interest of the United States by successfully defeating spurious monetary claims, preventing excessive monetary losses in meritorious claims and maximizing the monetary recovery for injuries and damages to Government property.

Major Objectives:

To prevail in defensive tort claims suits on behalf of the United States fully weighing the consequences on the overall justice system.

To initiate and prevail in affirmative litigation in instances in which the Government has sustained injury.

To provide client agencies with proligation counselling and ensure sensitivity to their needs and concerns.

To improve the resource management of the program by the uniform application of sound litigation management techniques, emphasis on the development and training needs of program personnel, implementation of technologically current efficiencies (AIP and word processing systems) and increased coordination with other entities of the Division, the Department, and the Executive, Legislative and Judicial Branches.

Base Program Description: This program is responsible for defending the United States, its officers and agents, against suits seeking money damages for alleged negligence and wrongful acts of Government officials while acting within the scope of their employment and for prosecuting affirmative tort claims on behalf of the United States. Program litigation falls into three broad categories: (1) Admiralty and maritime claims arising out of the United States' role as the world's largest shipowner and its activities to maintain and regulate navigation on the nation's coastal and inland waterways (the principal clients in these cases are the Coast Guard, the Corps of Engineers and the Department of Defense); (2) Aviation cases involving damage to and by Government aircraft and aircraft accidents allegedly caused or contributed to by Federal employees involved in the regulation of air traffic (the primary clients in these cases are the Department of Transportation and the Department of Defense); and (3) General tort claims arising out of both traditional and newly emerging areas of tort liability for the Government (e.g., asbestos, mining, radiation and toxic substances-caused illnesses, swine flu immunization, bank failures, and medical malpractice). The principal clients in these latter cases are the Department of Health and Human Services, the Department of Defense and the Postal Service.

The workload of the program is split between: (1) litigation in defense of monetary claims which is 96 percent of the workload; and (2) litigation for the recovery of money which is 4 percent of the workload. In both areas, the program is reactive in nature and, therefore, litigation arises only after an incident has occurred. A defensive tort claim suit is preceded by an administrative claim filed with the appropriate agency. Every effort is made at this level to settle the claim. Any settlement of \$25,000 or more requires the concurrence of the Attorney General or his appointee. If a claim cannot be settled at the administrative level, a suit is filed and program personnel become involved with discretion to either settle or litigate. Normally, only cases with potential for success are litigated. If the case appears to lack this potential but involves a large amount of money, it may be litigated in hopes of discounting the final payment. In the area of affirmative litigation, injury to Government property must occur and the party causing the injury must refuse to pay damages before the program becomes involved and decides whether to litigate for recovery.

Newly received cases are directed to program managers who determine the significance of a particular suit, decide whether each case will be supervised, delegated or personally handled and assigns the appropriate resources. As a case develops, despite the original assignment, circumstances may dictate a change for future handling.

Important and significant litigation in addition to litigation requiring specialized expertise (e.g. complex aviation tort or admiralty cases) is primarily handled by program personnel. All cases in which the amount sought is less than \$60,000 and thus within the settlement authority of the U.S. Attorneys are delegated. Additionally, there are a number of cases over \$60,000 that can be classified as routine as well as those which do not involve policy issues (e.g., pedestrian cases) that are also delegated. The determination of whether the cases will be assigned to U.S. Attorneys with supervision and assistance from program personnel involves the consideration of such factors as availability of resources, experience and expertise of program personnel with the area of litigation and familiarity of the U.S. Attorneys with the issues and substance of the litigation.

Accomplishments and Workload: Quantitative measurements of the Torts Claims program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Cases Personally Handled.....	4,861	5,267	4,391
Cases Supervised.....	4,194	4,544	5,774
Cases Delegated.....	477	517	523

The above chart indicates a shift in 1982 between personally handled and unsupervised cases which results from the necessity to concentrate on the more time-consuming and resource-demanding caseload emerging in areas such as radiation, asbestos and chemical induced injury or disease.

In 1980, the program was responsible for the following accomplishments:

Successful limitation of the United States' exposure to liability in such noteworthy areas as Government regulation of the banking industry and bank failures (e.g. Franklin National Bank litigation - failure of the 20th largest bank in the United States), Food and Drug Administration regulation of drugs (e.g., *Carol A. Gellay v. United States* - decision to disallow suit for death damages as a result of a severe reaction to the drug "Lyfocaine"), OSHA regulations to insure a safe workplace (e.g., asbestos), Federal Aviation Administration regulation of aviation (e.g., *Arnold, et al v. Eastern Airlines v. United States* - a decision affixing responsibility on the pilot and crew as opposed to the air traffic controller). This latter case negated the United States' exposure to plaintiffs' claims for \$35 million and allowed the United States to recover costs in defending the suit, a deterrent to frivolous suits which could deplete the United States' treasury.

Eighty-two percent of terminations in personally handled cases were favorable.

Initiation of efforts to more efficiently use resources through improved case management techniques including expanded use of computer support and micrographic aids in meeting the challenges of large-scale lawsuits in both traditional areas of tort law (e.g., medical malpractice, aviation, admiralty) as well as novel developments in precedent setting cases (radiation and asbestos induced injury or disease).

Program Changes: An increase of \$224,000 is requested in 1982 for word processing equipment. Over the last three years, serious funding deficiencies have caused an inability to rent an adequate number of technologically current word processing machines to support the efficient preparation of voluminous legal documents and correspondence and eliminate needless duplication of effort. Without this program increase, more than usual employment of part-time and temporary clerical employees and high levels of clerical overtime will remain a necessity to meet workload demands.

It has been projected that as much as \$600,000 worth of personnel resources per year are lost throughout the Division due to inadequate word processing capabilities. By enhancing the word processing capability to the requested level, employees can be properly redirected to other vital legal support activities.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Commercial Litigation.....	210	220	\$9,299	210	220	\$9,358	210	220	\$9,762	...	...
											\$404

Long-Range Goal: To successfully prosecute claims for the recovery of monies fraudulently secured or improperly diverted from the United States Treasury; defend international trade policy; defend and assert the Government's contract and patent rights; defend and assert the Government's financial and commercial interest under foreign treaties; and collect monies owed the United States as a result of civil judgments and compromises.

Major Objectives:

- To prevail on behalf of the United States in defensive litigation in the areas of contract, patent, military and civilian pay, customs matters and foreign law, fully weighing the consequences on the overall justice system.
- To initiate and prevail in affirmative litigation in which the Government seeks to inhibit civil fraud; to protect its financial interests in affirmative foreign claims, foreclosures and bankruptcy proceedings, contract matters, and loan, subsidy and grant programs; and to enforce collection of judgments.
- To provide client agencies with pre-litigation counselling and ensure sensitivity to their needs and concerns.
- To improve the resource management of the program by the uniform application of sound litigation management techniques, emphasis on the development and training needs of program personnel, implementation of technologically current efficiencies (ADP and word processing systems) and increased coordination with other entities of the Division, the Department, and the Executive, Legislative and Judicial Branches.

Base Program Description: This program is responsible for the Government's affirmative civil claims arising from fraud, bribery, or other official misconduct, and the collection of civil fines or other money judgments awarded to the United States. It also handles all contract actions, cases arising under grants, subsidies or insurance undertakings by the Government, foreclosures, bankruptcies, renegotiations, patent and copyright infringement suits and customs-related cases. The methods of accomplishing the objectives of this program are discussed for the individual elements because of the diversity of its litigation.

Civil Fraud Cases: Program staff personally handles the majority of cases which are instituted after reviewing investigative reports received from the Federal Bureau of Investigation and the Offices of Inspectors General in various departments. They also work closely with the Criminal Division in the effort to curtail white collar crime.

Patent Cases: In defending the Government in privately initiated cases (i.e., from the owners of patents, copy-rights and technical data), the details of the alleged infringement are studied. The potential risk of loss is estimated and decision made on whether to negotiate a settlement. Where trial is determined to be the best route, the program staff personally handles the case and if necessary determines whether to recommend Supreme Court review. In personally handling its affirmative litigation, the program seeks to cancel patents that were issued as a result of fraud perpetrated on the Patent and Trademark Office and to enforce assignment to the Government of inventions growing out of Government sponsored research.

Claims Cases: This program defends the United States against claims brought in the Court of Claims and selected similar claims brought in United States District Courts and before administrative boards involving the following types of matters: (a) contract claims; (b) claims based upon a regulation or a statute such as civilian and military pay claims; (c) claims based upon the Constitution; (d) private relief claims referred by either house of Congress for a report as to their validity as legal or equitable claims against the United States; (e) claims for damages for unjust conviction and imprisonment, and (f) excessive profits previously paid by the Government to contractors. The program coordinates its defense of Court of Claims actions with client agencies, and the Court of Claims, particularly with the Trial Judges who hold trials throughout the United States and overseas. All Court of Claims cases are personally handled.

Foreign Litigation: This program defends and prosecutes the United States Government's rights before foreign tribunals and upon request, provides judicial assistance in legal proceedings pending before foreign tribunals. Close coordination is maintained at all times with the client agencies whose activities abroad generate this litigation. Client agencies are required to furnish detailed litigation reports upon referral of a case, setting forth the background of the case, and the agency's views and recommendations. The client agencies are, thereafter, kept current on all ensuing developments in the cases and are consulted on trial strategy, compromise settlements and appeal. In matters pertaining to international judicial assistance, which involves close coordination with the Department of State, the program reviews and processes requests from foreign countries for litigative assistance. In addition, this program represents the United States at international conferences dealing with judicial assistance. All foreign litigation is personally handled by the program staff, often through the employment of foreign counsel.

Judgment Enforcement: This program enforces all active civil judgment cases involving damages and penalties owed the United States. The more routine cases are handled by the U.S. Attorneys to whom the program provides assistance and advice including personal staff visits. A small number of complex cases are personally handled by the program attorneys.

Customs and International Trade Cases: This program personally handles all cases in the Court of International Trade (formerly Customs Court) and in the Court of Customs and Patents Appeals. These cases are referred by the U.S. Customs Service and involve the collection of customs duties and its impact on international trade.

Accomplishments and Workload: Quantitative measurements for the Commercial Litigation program are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Domestic and Foreign Cases			
Personally Handled.....	4,305	4,471	4,829 4,102
Supervised.....	4,071	3,922	4,219 5,600
Delegated.....	1,055	1,057	1,057 1,057
Judicial Assistance Requests			
Processed.....	1,993	2,120	2,120 2,120
Judgment Enforcement Cases			
Personally Handled.....	20	40	40 46
Supervised and Shared.....	1,365	1,271	1,296 1,324
Customs Matters			
Personally Handled.....	81,875	76,841	70,788 64,762

The above chart reflects a shift in 1982 in personally handled and supervised cases which results from concentration on the more complex time-consuming cases requiring this programs staff's expertise.

In 1980, the program was responsible for 84 percent favorable terminations in personally handled cases and recovery of over \$15 million in fraud litigation. Additionally, lawsuits arising from the GSA scandal are being negotiated for \$4.7 million.

In the area of collections and judgment enforcement, the program continued to play a substantial role in the coordination of large collection programs, namely defaulted student loans and Veterans Administration (VA) educational overpayments. Referrals of defaulted student loan cases are expected to reach 50,000 during 1981. In addition, approximately 56,079 VA cases involving claims of \$61,870,086 have been referred to the U.S. Attorneys.

Significant accomplishments in the foreign litigation area included:

- (a) Return to the United States of \$5.5 million of Peoples Temple assets from Panama;
- (b) Return to the Treasury of \$6 million of U.S. Government funds which were originally frozen because of a suspected interest of the Vietnamese Government in such funds;
- (c) Obtaining a reversal by a Greek appellate court of an adverse lower court judgment against the United States which would have required the Voice of America to abandon or to relocate its radio transmitting facilities in Greece at a cost of \$8-12 million;
- (d) Settling out-of-court for \$700,000, a \$3 million suit arising out of a contract let by the Corps of Engineers in Italy.

The program has become more involved in litigation seeking to protect the Government's bonding interests. For example, in *United States v. Citibank, N.A.*, suit was filed by program attorneys on behalf of GSA against Citibank arising out of defendant's mismanagement, as trustee, of funds derived from the sale of approximately \$800 million of GSA bonds.

In the area of international trade, the unit has been directly responsible for an increasing number of complicated and policy sensitive countervailing duty actions such as *Michelin Tire Corporation v. United States* and suits involving dumping duties as exemplified by *CONPACT v. Blumenthal* (Japanese color television sets).

The program has been successful in several technically complicated patent infringement suits against the United States in which recoveries would have resulted in the loss of large amounts of money. These involve complex and sophisticated equipment and procedures such as space vehicles, communications, the use of laser to separate uranium isotopes and the guidance system on the Poseidon and Trident missiles.

The program has increased its personal handling of complex Department of Housing & Urban Development (HUD) foreclosure suits, two of which involved HUD's interest equalling \$58 million.

The program has acted on over 250 lawsuits instituted by American creditors against the Iranian Government as a result of the "freezes" of assets. Program attorneys have been successful in minimizing actions and judicial proceedings which, during the sensitive foreign policy negotiations, would have created a serious risk of prejudicing the continuing efforts of the United States government to resolve the hostage crisis.

Program Changes: An increase of \$404,000 is requested in 1982 for word processing equipment. Over the last three years, serious funding deficiencies have caused an inability to rent an adequate number of technologically current word processing machines to support the efficient preparation of voluminous legal documents and correspondence and eliminate needless duplication of effort. Without this program increase, more than usual employment of part-time and temporary clerical employees and high levels of clerical overtime will remain a necessity to meet workload demands.

It has been projected that as much as \$600,000 worth of personnel resources per year are lost throughout the Division due to inadequate word processing capabilities. By enhancing the word processing capability to the requested level, employees can be properly redirected to other vital legal support activities.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount	
Federal Programs.....	155	158	\$6,051	155	158	\$6,394	155	158	\$6,641	...	...	\$247

Long-Range Goal: To successfully defend the challenges to Federal civil programs, policies and initiatives, and enforce remedies for statutory violations of Federal programs.

Major objectives:

To prevail on behalf of the United States in defensive litigation which arises from judicial review of the decisions of all Government agencies including those concerning employment practices and personnel actions, injunctive and mandamus actions charging that statutes or regulations are invalid under the Constitution or other laws and litigation relating to the disposition and availability of Government records.

To initiate and prevail in cases aimed at remedying statutory and regulatory violations, particularly those relating to Department of Energy (DOE) suits, suits to enforce the safety programs of the National Highway Traffic Safety Administration, suits to enforce the Interstate Sales Full Disclosure Act and suits to protect Central Intelligence Agency (CIA) sources and methods.

To provide client agencies with pre-litigation counselling and ensure sensitivity to their needs and concerns.

To improve the resource management of the program by the uniform application of sound litigation management techniques, emphasis on the development and training needs of program personnel, implementation of technologically current efficiencies (ADP and word processing systems) and increased coordination with other entities of the Division, the Department and the Executive, Legislative and Judicial Branches.

Base Program Description: This program is responsible for a wide variety of litigation impacting important Government programs and policies. This program's responsibilities include enforcement litigation aimed at remedying statutory violations, defense of employment policies and personnel actions and litigation relating to the disposition and availability of Government records.

Cases are referred to the program from most Executive Branch departments and agencies. Ninety percent of personally handled cases are defensive in nature, such as litigation challenging Presidential initiatives or the constitutionality of legislation. The rest are affirmative. These involve suits seeking to enforce Federal programs. Although the majority of cases are defensive, the program is receiving an increasing number of requests from agencies for the institution of affirmative suits. The program is in a completely reactive posture regarding defensive cases, but does have some discretion regarding affirmative suits. In 1982, as reflected in the workload chart, the increase in defensive suits will require a greater proportion of the staff and allow less attention to the initiation of affirmative suits.

Litigation is divided into nine general functional areas which are: Regulatory Enforcement (affirmative compliance suits); Employment (litigation involving public and regulated private employment practices); Freedom of Information and Privacy Act Matters; Human Resources (e.g., social security, medicare/medicaid; food stamps and health planning suits); Housing and Community Development; National Security and Foreign Relations; Interior, Agriculture and Energy; Interstate and Foreign Commerce; and Independent Agencies and Government Corporations.

Incoming cases are reviewed by a case control officer, who designates respective cases as either personally handled, supervised or delegated.

Most routine cases are delegated directly to the U.S. Attorney's offices. These cases involve issues of fact with no significant questions of law having national importance or impact on large numbers of pending cases. Examples of delegated cases include social security benefit disputes, flood insurance claims cases, military promotion cases and postal fraud and obscenity cases.

When cases are perceived at the outset to have the potential for developing more complex factual issues or issues of law having ramifications on the national level, the cases will be designated as supervised in order to ensure that program attorneys review incoming litigation reports with defendant agencies and consult with U.S. Attorney's offices on the proper arguments to make in defense of the litigation. Ten percent of the program's resources are devoted to providing assistance to the U.S. Attorney's and client agencies to ensure the development and presentation in court of a consistent, thoroughly researched position on the legal issues involved. This is accomplished primarily through the preparation of draft briefs, memoranda of law, and monographs concerning the most frequently confronted legal issues, as well as considerable oral advice on matters which are likely to have broad impact on the government as a whole.

Where it is anticipated that the factual and legal issues presented in a case will have nationwide impact or affect a large number of pending cases, the case is assigned to the Civil Division. Presently, fourteen percent of the caseload requires approximately 90 percent of the staff time. Examples of categories of personally handled cases include many national security matters which involve the constitutionality of intelligence and law enforcement programs, all energy litigation and many suits under the Freedom of Information (FOI) and Privacy Acts.

Accomplishments and Workload: Quantitative measurements of the Federal Programs activity are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Defensive Cases Personally Handled.....	1,229	1,267	1,267 1,332
Affirmative Cases Personally Handled.....	91	99	99 24
Cases Supervised.....	5,845	6,044	5,389 5,900
Cases Delegated.....	1,939	2,002	2,657 2,585

In 1980, eighty percent of the terminations in personally handled cases were favorable.

The program successfully handled litigation of national and international significance. In litigation impacting foreign policy, the program defended demonstration restrictions on Iranian students and deportation of Iranian students who did not have valid visas. In energy litigation, the program defended a number of challenges to the Administration's efforts to conserve dwindling sources of energy (e.g., settlement in one case involving a scheme to inflate fuel costs provided for repayment of \$5 million by Florida Power Corporation to its customers). In the area of transportation safety, the program participated in the defense of regulations which authorize the expenditure of money over the next 30 years to make public transportation accessible to the handicapped and a variety of automobile "recall" litigation to correct safety risks. Activities in affirmative action litigation included dismissal of Sears Roebuck's challenge to affirmative action requirements.

The program worked for significant improvements in the administration of justice reflected in: 1) arguments, as amicus, that a local Federal rule requiring non-binding, compulsory arbitration in diverse torts cases should be upheld; 2) a successful decision to better determine the lawful role of administrative law judges, and 3) continuing participation in the debate to resolve the issue of attorney's fees in Title VII litigation.

Continued efforts to improve the skills of attorneys through training was evidenced by week-long seminars on the fundamentals of discovery, mandatory moot courts in preparation of oral argument and numerous meetings on professional responsibility and managing caseloads.

Monographs on Title VII litigation, financial privacy and garnishments were prepared as aids for U.S. Attorney's offices.

Program Changes: An increase of \$247,000 is requested in 1982 for word processing equipment. Over the last three years, serious funding deficiencies have caused an inability to rent an adequate number of technologically current word processing machines to support the efficient preparation of voluminous legal documents and correspondence and eliminate needless duplication of effort. Without this program increase, more than usual employment of part-time and temporary clerical employees and high levels of clerical overtime will remain a necessity to meet workload demands.

It has been projected that as much as \$600,000 worth of personnel resources per year are lost throughout the Division due to inadequate word processing capabilities. By enhancing the word processing capability to the requested level, employees can be properly redirected to other vital legal support activities.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.
Executive Direction											
and Control.....	29	34	\$1,346	29	34	\$1,406	29	34	\$1,462	...	\$56

Long-Range Goal: To ensure through effective policy formulation, leadership and management that the Civil Division accomplishes its responsibility to conduct litigation on behalf of the United States in a fair, successful and consistent manner and fully cooperates with the public and Congress to provide appropriate information in connection with the Division's activities, litigation, the impact of proposed legislation and potential improvements in the administration of Justice.

Major Objectives:

To ensure that decisions, litigation positions and activities in connection with civil litigation consider the consequences on both the Justice system as a whole and the overall intent of the Government's programs, initiatives, goals and policies.

To provide the Division with the most efficient and effective management of its limited resources by coordinating its effort with client agencies, eliminating unnecessary duplication and applying technologically current efficiencies.

To encourage reforms in the overall system of justice by participation in the legislative process and by coordinating the analysis by Division attorneys with specific legal expertise to aid in assessing the implication of legislative action and proposing needed new legislation.

To ensure that the Division is sensitive to the concerns and requests of the public and its client agencies.

To conform to the legislatively prescribed response deadlines and the Attorney General's guidelines for openness in the handling of FOIA and Privacy Act matters with due consideration to the confidentiality requirements of certain information.

To develop and implement programs for control and budgeting of Division funds and for evaluation of Division programs and resource use.

Base Program Description: This program provides executive direction and control to the entire Civil Division by providing leadership, supervision, policy guidance and litigation management to the component programs of the Division. It also ensures that the Division effectively meets time and substantive requirements as imposed by the Freedom of Information and Privacy Acts, coordinates the legislative responsibilities of the Division and directs a program for the development and implementation of both litigation and administrative management and information systems.

Policy Development and Implementation: In addition to the Assistant Attorney General (AAG), these activities are the responsibility of three Deputy Assistant Attorneys General and three Special Assistants. Each Deputy Assistant Attorney General participates in the development of litigation policy and the executive management of the entire program, directly supervises the performance of one of the branches of the Division and fosters improved client/agency relations by direct contact with agency officials. Their responsibilities include participation in recruitment and selection of attorney personnel, as well as the evaluation of their work performance for purposes of advancement, training and retention. The AAG is aided by Special Assistants who act as personal and confidential consultants on sensitive projects. They perform research, and make recommendations on difficult problems, as well as participate in the formulation of policy. In addition, the AAG and this staff are responsible, in coordination with a fourth Deputy Assistant Attorney General specifically responsible for management, to ensure equal opportunity for all employees and applicants.

Congressional and Public Affairs: This staff receives requests for Division input on proposed legislation, dockets and forwards them to the appropriate branch for response and reviews them for format. In addition, this staff coordinates the preparation of responses to requests for information from the public, other Executive Branch agencies and the Congress. This staff also performs a docketing function and initial review of all requests for information under the FOIA and Privacy Act.

Management Direction, Program Evaluation and Budget: In January 1980, a Deputy Assistant Attorney General (DAAG) for Planning, Policy, and Management was appointed to focus and direct the management efforts in the areas of budget formulation and execution, administration, planning, evaluation, training and information systems. In this program, the staff which supports the DAAG is directed toward budget formulation, program planning and evaluation.

FOIA and Privacy Act Requirements: Because of the increased legal determinations and administrative demands created by the growing number of requests under the FOIA and Privacy Act, an organization within this program which serves as a central point to process all requests to the Division has been established. Because the time-consuming function of file review represents a large portion of the workload, this element is composed of paralegals, who most cost efficiently perform these and other related duties, supervised by an attorney.

Accomplishments and Workload: Quantitative measurements of the Executive Direction and Control program are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Congressional Inquiries			
Answered.....	527	580	638 700
Comments on Proposed Bills			
Provided.....	360	444	530 634
Public Inquiries Answered			
-Timely.....	1,343	1,343	1,343 795
-Untimely.....	149	373	630 1,475
Complex FOIA and Privacy			
Act Requests Answered			
-Timely.....	47	40	30 20
-Untimely.....	127	276	606 1,290
Simple FOIA and Privacy			
Act Requests Answered			
-Timely.....	184	437	879 724
-Untimely.....	...	...	... 1,086

The program's high priority on promptly responding to congressional inquiries and requests for comments on proposed bills is reflected in the above table in both current and past year figures, as well as future estimates. However, this priority will effect the program's ability to provide timely response to FOI and Privacy Act requests in 1982.

This program's accomplishments are indicated in the following areas:

Policy Development and Implementation: Full use of the flexibilities of personnel resources brought about by the comprehensive reorganization of the litigating components in 1978; the installation of an automated case management information system in 1979; and a strengthening of planning, management and administrative support functions in 1980, has enabled this program to more efficiently and effectively direct an increasing volume of litigation on behalf of the United States.

In addition, top level managers and their staff have directly participated in the major litigation of the Division in 1980 including policy decisions and extensive involvement in the high priority litigation arising from such activities as the freezing of Iranian assets in the United States' response to Iran and Iran's threat to withdraw funds from the United States and destabilize the dollar; the Soviet intervention in Afghanistan; the widespread investigation of the General Services Administration; Congressional misconduct; the mass murder-suicide at the People's Temple in Guyana; the extension of time for ratification of the Equal Rights Amendment; Sears Roebuck and Company's challenge to equal opportunity policies and regulations; the Teton Dam disaster; the Swine Flu Immunization program; alleged personal injuries from exposure to radiation and asbestos; and a number of major aviation accidents such as the Boeing 727 crash near San Diego.

Intensified efforts have been devoted to improving the coordination between the Criminal and Civil Divisions to address white collar crime and more aggressively pursue the Government's available civil remedies to combat and deter civil fraud against the Government and to improving working relationships with client agencies.

Management Direction: The last remaining organizational weakness of the Civil Division was addressed early in 1980 through the establishment of a Deputy Assistant Attorney General charged with the responsibility for planning; budget formulation and administration; program evaluation; information systems; and management and administrative support. The revised structure has resulted in more efficient and effective operation of the Division's litigation programs by addressing many of the Division's management and support problems.

Major accomplishments in 1980 and 1981 involved directing (1) enhancements in the work environment; (2) improvements in administrative services; (3) systemization of personnel procedures; (4) development of performance indicators and reports; (5) creation of a resource management system; (6) expansion of computerized capacity; (7) development of a position control system; (8) establishment of an administrative directives system; (9) development of a system for establishing and monitoring organizational goals; (10) development of budget estimates; (11) establishment of an automated financial management system, and (12) initiation of a program evaluation effort.

Legislative Affairs: Activities in the legislative area have been focused on efforts to (1) strengthen and modernize the False Claims Act, which is the primary litigative tool employed by the Department to recover money from those who have defrauded the Government and (2) clarify and expand the jurisdiction of the United States Customs Court in eight of the procedural reforms which were enacted by means of the Customs Courts Act of 1970 and have had considerable impact on the role of tariff rates to aid in the regulation of international trade. Significant progress was achieved in this area by the enactment of the Customs Court Act of 1980, effective November 1, 1980. In calendar year 1980, further legislative accomplishments are represented by 114 responses to proposed bills and 580 responses to congressional letters of inquiry.

In addition, testimony for 10-12 appearances before Congressional committees are prepared each year. This represents a major effort. For example, extensive preparation was undertaken in 1980 to provide the Senate Judiciary Committee with the best possible information and analysis of the Division's activities and its relationship with client agencies.

Public Affairs: Activities in the public affairs area have been focused on efforts to respond more timely to an increasing number of citizen inquiries and requests for data under the FOIA and Privacy Act. During 1980, approximately 1,700 citizen inquiries were received and approximately 80 percent received responses within a timely period (i.e., 10 days). Seven hundred and fifty-three FOIA and Privacy Act requests were received in 1980, which represent more than a 100 percent increase in receipts over 1979. Of these, 316 required comprehensive file search and review and legal determination which represents an increase of over 82 percent over 1979.

Program Changes: An increase of \$56,000 is requested in 1982 for word processing equipment. Over the last three years, serious funding deficiencies have caused an inability to rent an adequate number of technologically current word processing machines to support the efficient preparation of voluminous legal documents and correspondence and eliminate needless duplication of effort. Without this program increase, more than usual employment of part-time and temporary clerical employees and high levels of clerical overtime will remain a necessity to meet workload demands.

It has been projected that as much as \$600,000 worth of personnel resources per year are lost throughout the Division due to inadequate word processing capabilities. By enhancing the word processing capability to the requested level, employees can be properly redirected to other vital legal support activities.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Administrative Services.....	74	75	\$2,090	74	75	\$2,158	74	75
							\$2,248	...
							...	\$90

Long-Range Goal: To ensure that the most efficient and effective management and administrative support and advice is provided to the Executive Direction and Control program and the substantive litigating branches of the Division.

Major Objectives:

To increase the responsiveness to management and administrative needs generated by the litigation mission and related activities.

To develop and implement efficient financial management systems to include control and planning of obligations and expenditures.

To develop and implement technologically current systems and sound management and evaluation techniques to assist in managing the limited resources of the Division more efficiently.

To aid the Executive Direction and Control program in its goal to be sensitive to the concerns of the Division's client agencies, the Attorney General, OMB, Congress, and the public by accelerating its capability to assemble and provide information regarding Division activities.

To develop employees' potential through the creation of effective training programs.

To ensure that personnel programs and procedures (recruitment, promotions, awards, training and employee relations) provide equal opportunity for all Division employees and applicants.

To maintain and improve automated case tracking, litigation support and management information systems.

Base Program Description: This program provides central logistical support as well as procedural advice to all other programs of the Civil Division in the areas of fiscal and budgetary support; personnel and payroll programs; records; correspondence and automated information systems management; and general administrative services. In January 1980, a position of Deputy Assistant Attorney General for Planning, Policy and Management was created and filled and an office was structured to serve as the Assistant Attorney General's chief advisory component on all matters pertaining to budget administration, management, planning, evaluation, personnel, training, logistical support and information. The element of management direction and budget administration were addressed in the Executive Direction and Control program. The current methods for accomplishing the program's activities are discussed below in terms of the four suboffices of the Deputy's staff.

Policy and Management Analysis: This office develops policies, procedures and guidelines for the design and implementation of management systems for the Civil Division. The office conducts management analyses and research management techniques to improve Division operations.

Management Information: The office develops and maintains manual and automated information systems to meet the needs of the Division. This includes automated case tracking and litigation support systems. The office conducts studies on Division procedures for collecting, retrieving and analyzing information and develops methods for reducing costs and improving quality and effectiveness. Regular and special reports are prepared on the Division's workload, actions and use of resources.

Administration: This office provides personnel liaison, equal employment opportunity, training, property management services (e.g., space, telephones, equipment and supplies), duplication services, and paperwork management services.

Budget, Planning, and Evaluation: The functions of this office which fall into the administrative services area include the development and implementation of fiscal management policies, procedures and automated financial information systems and the processing of documents, maintenance of records and preparation of reports on procurement and fiscal matters including pay, travel, contract services, supplies, equipment and space.

Accomplishments and Workload: The substantial expansion of this program in January 1980 provided the Division with the mechanism for improved management and administration services and with the ability to analyze, evaluate and measure progress toward the achievement of responsiveness to management and administrative service needs.

A sampling of operational outputs which could be measured in 1980 shows that this program initiated 700 personnel actions, reviewed and processed 270 training requests, conducted over 75 employment interviews after screening over 4,000 applications, sorted 210,000 pieces of mail, performed 5,200 special messenger deliveries outside the Division, closed 24,610 files, processed 3,100 requests for files, moved 2,400 pieces of furniture, entered 25,556 cases into the automated system, updated 97,600 cases, and processed 75 facility work orders for electrical, telephone, parking and space renovation requirements.

The major accomplishments in 1980 were:

- Conduct of a survey of work environment (space use, equipment needs, supply inventory and disbursement and telecommunications) and initiation of actions to eliminate deficiencies.

- Establishment of procedures for improved document maintenance, duplication and distribution.

- Development of training and career development plans.

- Establishment of uniform personnel procedures (recruitment, promotion and separation of personnel).

- Financement of the use of incentive awards and performance evaluation standards including SES and merit pay.

- Development and increased emphasis on affirmative action plans.

- Development and implementation of an automated financial management system (financial operating plans, analyses of expenditures, refinement of expenditure authorization and payment procedures).

- Establishment of an administrative directive system (guides for all administrative and management policies and procedures).

- Initiation of a system for managerial control of positions.

- Expansion of the case tracking system to include all caseloads (except customs to be installed in FY 1981) and automated document storage and retrieval on several major cases, as well as planning for the use of an upgraded minicomputer which will allow an expansion of the type of data collected on each case and operational uses.

Development of a tracking system to measure progress made toward meeting the Division's major objectives.

Establishment of a system of management indicators to report workload and production trends to be used in conjunction with a resource management system for application to measurable workload.

Initiation of the process of replacing antiquated word processing equipment.

Establishment of a system to measure outputs in a quantitative manner for budget submission.

Program Changes: An increase of \$90,000 is requested in 1982 for word processing equipment. Over the last three years, various funding deficiencies have caused an inability to rent an adequate number of technologically current word processing machines to support the efficient preparation of documents and correspondence for the management and administrative support of the Division and eliminate needless duplication of effort. Without this program increase, more than usual employment of part-time and temporary clerical employees and high levels of clerical overtime will remain a necessity to meet workload demands.

It has been projected that as much as \$600,000 worth of personnel resources per year are lost throughout the Division due to inadequate word processing capabilities. By enhancing the word processing capability to the requested level, employees can be properly redirected to other vital legal support activities.

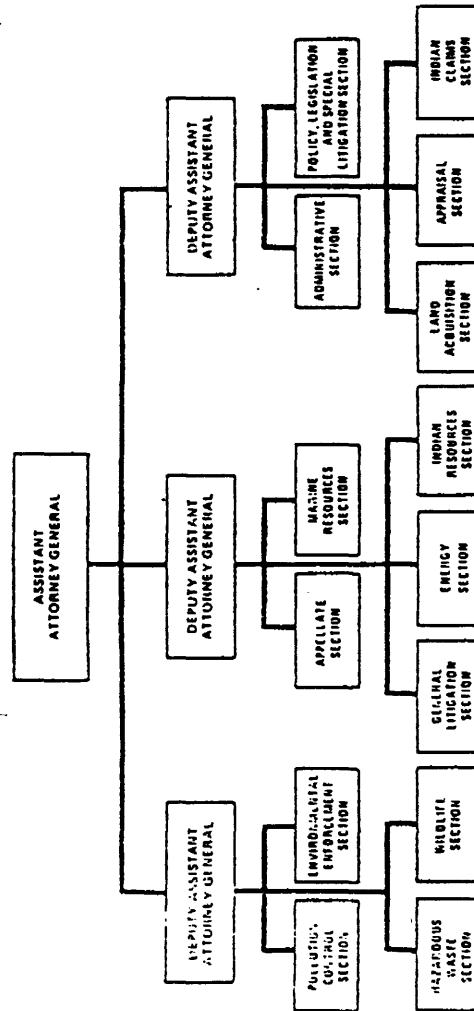
Civil Division
Salaries and expenses, General Legal Activities
Priority Rankings of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	COMMERCIAL LITIGATION	1	COMMERCIAL LITIGATION
2	FEDERAL PROGRAMS	2	FEDERAL PROGRAMS
3	TORTS CLAIMS	3	TORTS CLAIMS
4	FEDERAL APPELLATE ACTIVITY	4	FEDERAL APPELLATE ACTIVITY
5	EXECUTIVE DIRECTION AND CONTROL	5	EXECUTIVE DIRECTION AND CONTROL
6	ADMINISTRATIVE SERVICES	6	ADMINISTRATIVE SERVICES

Civil Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Increases
(In thousands of dollars)

Item	Federal Appellate Activity	Torts Claims	Federal Programs	Commercial Litigation	Executive Direction & Control	Administrative Services	Total
Communications, utilities, and other rent.....	\$101	\$224	\$247	\$404	\$56	\$90	\$1,122

LAND AND NATURAL RESOURCES DIVISION



Approved: *John H. Shenefield* Date 12-22-80
 JOHN H. SHENEFIELD
 Associate Attorney General

Land and Natural Resources Division

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation Actions on		1981 Internal Reprogramming		1981 Supplementals Requested		1981 Appropriation Anticipated	
	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.
1. Federal Appellate.....	28	32 \$1,202	...	...	1	1	...	\$10	29	33 \$1,293
2. Indian Claims.....	23	23 1,286	...	...	-5	-5	...	...	18	18 1,349
3. Marine Resources.....	12	11 529	...	...	...	...	...	...	12	11 961
4. Land Acquisition.....	77	77 3,302	...	...	-3	-3	...	...	199	74 3,501
5. Environmental Protection.	37	34 1,395	...	...	...	...	37	37 1,928	74	71 3,506
6. Indian Resources.....	16	14 618	...	...	...	...	...	45	36	16 14 699
7. General Litigation.....	51	50 1,895	...	...	...	...	4	4 367	55	54 2,391
8. Policy, Legislation and Special Litigation.....	13	11 598	...	...	5	5	...	...	32	18 16 630
9. Hazardous Waste.....	28	27 1,186	...	...	...	...	6	6 353	34	33 1,619
10. Wildlife.....	10	8 497	...	...	2	2	...	...	26	12 10 522
11. Executive Direction and Control.....	10	11 469	...	...	-3	-3	...	...	30	7 8 499
12. Administrative Services...	33	17 2,640	...	...	-93	-93	...	9	46	36 20 2,602
Total	338	315 15,619	...	...	-93	-93	47	47 2,712	934	385 362 19,172

Explanation of Changes from 1981 Appropriation Request

Reprogramming

Reprogramming action was taken in order to readjust vacant positions among decision units at the current level.

Supplementals Requested

The program supplemental reflects the establishment of a new Environmental Enforcement Section, the need for resources to meet the litigation demands placed upon the Division by the Uranium Mill Tailings Act and Guam land litigation.

The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, continuing appropriations, 1981).

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)

Summary of adjustments to base and built-in changes:

	Perm. Pos.	Work- 20173	Amount
1961 as enacted.....	338	315	\$15,526
Supplementals requested:			
1961 program implemented derived by transfer from unobligated balances in other Department accounts.....	47	47	2,212
1961 program implemented requested.....			334
1961 program implemented.....			334
Uncontrollable increases.....	385	362	19,172
Annualization of 1961 pay increases.....			67
Annulization of 47 reprogrammed positions in 1961.....			167
Within-grade increases.....			113
Health benefits costs.....			28
Standard Level User Charges (SLUC).....			57
GSA recurring reimbursable services.....			7
Federal telecommunications Systems (FIS).....			41
Federal cost-of-living increases.....			269
Departmental printing and reproduction costs.....			20
General pricing level adjustment.....			219
Total, uncontrollable increases.....	385	362	\$20,094
1962 base.....			

	1960 Enacted	1960 Actual	1961 Appropriation Anticipated	1962 Base	1962 Estimate	Increase/Decrease
	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.
Estimates by budget activity	338	339	362	362	407	22
Land and natural resources	336	339	362	362	378	16
and Indian matters.....	336	339	362	362	378	16
						\$2,371

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WT	Amt.	Perm. Pos.	WT	Amt.	Perm. Pos.	WT	Amt.	Perm. Pos.	WT	Amt.	Perm. Pos.	WT	Amt.	Perm. Pos.	WT	Amt.
Land, natural resources and Indian matters:																		
Federal Appellate.....	28	32	\$1,168	28	32	\$1,226	29	33	\$1,293	29	33	\$1,328	29	33	\$1,328	...	...	...
Indian Claims.....	23	23	1,213	20	20	1,137	18	18	1,349	18	18	1,371	18	18	1,371	...	...	...
Marine Resources.....	12	12	495	12	12	496	12	11	561	12	11	574	12	11	574	...	...	...
Land Acquisition.....	77	77	3,293	77	77	2,940	74	74	3,501	74	74	3,604	74	74	3,604	...	...	...
Environmental Protection.....	37	39	1,621	58	44	1,847	74	71	3,506	74	71	3,789	80	75	4,041	6	4	\$252
Indian Resources.....	16	15	610	16	15	697	16	14	839	16	14	719	16	14	719	...	...	...
General Litigation.....	51	50	2,021	55	52	2,360	55	54	2,391	55	54	2,471	55	54	2,471	...	...	...
Policy, Legislation and Special Litigation.....	13	12	574	19	17	546	18	16	630	18	16	645	18	16	645	...	...	...
Hazardous Waste.....	28	28	1,643	34	28	706	34	33	1,619	34	33	1,674	42	39	2,035	8	6	361
Wildlife.....	10	9	392	10	9	253	12	10	522	12	10	541	12	10	541	...	...	...
Executive Direction and Control.	10	12	463	7	8	543	7	8	499	7	8	509	7	8	509	...	...	...
Administrative Services.....	33	27	2,165	33	25	2,881	36	20	2,602	36	20	2,869	44	26	4,627	8	6	1,758
Total	338	336	15,718	369	339	15,832	385	362	19,172	385	362	20,094	407	378	22,465	22	16	2,371
Other Workyears																		
Holiday.....	...	2	...	...	2	...	...	2	...	...	2	...	...	2	...	...	...	...
Overtime.....	...	2	...	...	2	...	...	2	...	...	2	...	...	2	...	...	...	...
Total compensable workyears.....	338			341			364			364			380			16		

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Justification of Program and Performance

Activity Resource Summary

Activity: Land, natural resources and Indian matters	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.
Federal Appellate.....	29	33	\$1,293	29	33	\$1,328	29	33	\$1,328	...	...	...
Indian Claims.....	18	18	1,349	18	18	1,371	18	18	1,371	...	...	...
Marine Resources.....	12	11	561	12	11	574	12	11	574	...	...	...
Land Acquisition.....	74	74	3,501	74	74	3,604	74	74	3,604	...	...	...
Environmental Protection.....	74	71	3,506	74	71	3,789	80	75	4,041	6	4	\$252
Indian Resources.....	16	14	699	16	14	719	16	14	719	...	...	...
General Litigation.....	55	54	2,391	55	54	2,471	55	54	2,471	...	...	...
Policy, Legislation and Special Litigation.....	18	16	630	18	16	645	18	16	645	...	...	...
Hazardous Waste.....	34	33	1,619	34	33	1,674	42	39	2,035	8	6	361
Wildlife.....	12	10	522	12	10	541	12	10	541	...	...	...
Executive Direction and Control.....	7	8	499	7	8	509	7	8	509	...	...	...
Administrative Services.....	36	20	2,602	36	20	2,869	44	26	4,627	8	6	1,758
Total.....	385	362	19,172	385	362	20,094	407	378	22,465	22	16	2,371

This budget activity includes resources for the primary mission of the Land and Natural Resources Division. Funds requested for this activity support personnel in twelve decision units which conduct litigation to enforce and defend the Government's environmental policies and carry out statutory mandates in many program areas.

Activity: Land, natural resources and Indian matters	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.
Federal Appellate.....	29	33	\$1,293	29	33	\$1,328	29	33	\$1,328	...	...	...

Long-Range Goals: To handle every Land and Natural Resources Division case that is appealed to a federal court of appeals or is brought to the United States Supreme Court.

Major Objectives:

To handle the growing number of cases on appeal from an expanded caseload Division-wide with high-quality appellate advocacy without sustaining increased backlog of pending cases.

To handle cases expeditiously and to avoid requests for extensions to delay court-imposed deadlines.

To fully assist program agencies through the formulation of legal positions in the courts of appeals that best represent the interest of the United States.

Base Program Description: The Appellate program protects or defends in the appellate courts the programs of the Division's client agencies, principally the Departments of the Interior and Agriculture and the Environmental Protection Agency. The Appellate program drafts recommendations to the Solicitor General for or against seeking writs of certiorari and assists in the preparation of writs of certiorari and briefs in opposition to petitions for certiorari.

This program also prepares amicus curiae briefs, jurisdictional statements in support of direct appeals, and related memoranda. These activities have a broad impact on the litigating positions taken by the Division and consumed approximately two-thirds of this program's resources this past year.

With regard to the federal Courts of Appeals, the program reviews recommendations of other government agencies and transcripts of trials, and prepares recommendations for the Solicitor General as to whether the government agencies should appeal from adverse decisions of federal district courts. In cases where an appeal is authorized by the Solicitor General, as well as in instances where the Government was successful in the district courts, briefs are prepared and oral arguments are presented by Appellate program attorneys.

Finally, the program's activities in the state appellate courts are similar to those carried out in the above two categories but are conducted on a more limited basis. These cases often involve complex water rights disputes or disputes involving other important interests of the Government. Recommendations to the Solicitor General are prepared and briefs filed, if authorized; defenses are raised to challenges where the Government prevailed in lower courts.

Accomplishments and Workload: The accomplishments of the Appellate program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Cases received	339	553	610
Cases closed	432	452	450
Cases pending, end-of-year	521	622	782
Briefs filed	252	318	330
Oral arguments	122	156	155
Solicitor General memos	123	153	165
Substantive motions	113	155	157

The unit has been particularly successful in achieving its main objective, appellate advocacy. In a number of high priority cases, the courts have adopted the positions advocated by the unit. For example, in *Commonwealth of Massachusetts, et al. v. Andrus*, the Court of Appeals for the First Circuit declined to enjoin the Secretary of the Interior from conducting the hotly contested sale of oil and gas leases on the Georges Bank area of the outer continental shelf. Similarly, other courts of appeals also rejected efforts to delay or cancel other important OCS leasing activities. Those cases included *Energy Action Education Foundation v. Andrus*; *State of Texas v. Andrus*; *State of Louisiana v. Andrus*; and *People of the State of California v. Andrus*. The Government's efforts to defend the constitutionality of the *Eagle Protection Act*, which makes it a crime to sell or trade eagle feathers and artifacts, were upheld by the Supreme Court in *Allard v. Andrus*. In the field of surface mining, the unit has been successful in overturning a preliminary injunction issued against that program by a Virginia district court and in defending on appeal the regulatory program prepared by the Secretary of the Interior pursuant to his obligations over this new and important Act. The unit has also served an important function by presenting the courts of appeals with a unified government-wide position as *amicus curiae* in several situations where states and local communities have attempted to reduce aircraft noise resulting from the operation of nearby airports. San Diego Unified Port District v. Gianturco, Santa Monica Airport Association v. City of Santa Monica.

The effectiveness of the program is most clearly represented by the significant decisions obtained by the program. For example, the program played a major role in four decisions by the Supreme Court having substantial impact on areas of responsibility assigned to this Division. In *Washington v. Washington Commercial Passenger Fishing Vessel Assn.*, the Court affirmed a lower court decision finding that the right of certain Indian tribes to take fish under several treaties entitled them to catch up to 50 percent of the fish coming to their usual and accustomed places. In the field of condemnation law, the Court agreed with the Government in *United States v. 564.54 Acres of Land, Monroe Co., Penn.*, that the substitute facilities measure of just compensation was not available to a private, non-government condemnee, and also in *United States v. Bodaw Co.*, where it held that a landowner is not entitled to appraisal costs. In the environmental area, the Court unanimously agreed with the Government that requests by agencies for appropriations do not require the preparation of environmental impact statements, notwithstanding the fact that the underlying federal programs may affect the environment (*Andrus v. Sierra Club*).

In cases involving the Environmental Protection Agency, the Tenth Circuit in *United States v. Earth Sciences, Inc.* held that under the Clean Water Act, mining activities could give rise to point source discharges and therefore could be subject to enforcement activity if pollutants were discharged without a permit. In *Montana Power v. EPA*, the Ninth Circuit held that several proposed coal-fired electric generating plants were subject to EPA's regulations involving the prevention of significant deterioration of air quality. In *Andrus v. Kerr*, a case concerning an attempt by the district court to reopen a decision by EPA banning use of a toxicant to kill predators of sheep, the Government's petition for writ of mandamus was granted by the Tenth Circuit.

In offshore oil and gas litigation, the program defeated efforts to enjoin the Secretary from conducting several sales of oil and gas leases on the outer continental shelf. Attempts to enjoin a sale of leases off the Southern California coast were defeated in *Energy Action Educational Foundation v. Andrus* and an attempt to enjoin a Gulf of

Mexico sale was defeated in Louisiana v. Andrus. Additionally, a legal attack by the State of California was rejected on res judicata grounds in People of the State of California v. Kleppe.

In other major environmental litigation, the program successfully argued against an injunction which would have prevented the Government from continuing financial assistance to the Government of Mexico for an herbicide eradication program on opium poppies and marijuana plants. National Organization for the Reform of Marijuana Laws v. Department of State. The Section also successfully defended the adequacy of an environmental impact statement concerning the operation of F-15 supersonic fighter aircraft at Luke Air Force Base in Arizona. Westside Property Owners v. Schlesinger.

Unrelated to favorable decisions in litigation, other assignments must be mentioned. Customarily, the Appellate program has prepared the initial draft of all Supreme Court pleadings for the Solicitor General in this Division's cases. Until recently, the Supreme Court has reviewed an average of seven or eight of the Division's cases each term. As energy and environmental considerations assume greater importance, the Division's share of the Supreme Court docket has increased. Thus, the Division is certain to have ten or more cases before the Supreme Court during the October 1980 term. Despite its rising appellate caseload, the Appellate Section has retained the ability to participate in all of those cases through the preparation of initial drafts and the like, thereby presenting our views of the legal issues to the Solicitor General. This is a significant accomplishment inasmuch as the drafting of a brief in Supreme Court cases normally consumes at least three weeks of attorney time which would otherwise be spent on pressing litigation in the Courts of Appeals.

The unit has enjoyed an outstanding measure of success in cases assigned to it for handling in the courts of appeals. Over the last year, our percentage of success as appellant is 68 percent, more than twice the rate of the average litigant in the courts of appeals. As appellee, we have failed to sustain the lower court decision in only nine percent of the cases handled during that period.

Through its internal organizational structuring, the program has created an institutional mechanism to insure the continued high quality of its work product. Our productivity has been maintained by utilizing all available word processing equipment for the preparation of briefs and legal memoranda. The willingness of unit attorneys to work substantial overtime hours has also been of critical assistance in the accomplishment of our objectives.

1981 Appropriation Anticipated - 1982 Base 1982 Estimate Increase/Decrease
Perm. Pos. MY Amount Perm. Pos. MY Amount Perm. Pos. MY Amount

Indian Claims..... 18 18 \$1,349 18 18 \$1,371 18 18 \$1,371

Long-Range Goal: To complete litigation of Indian tribal claims expeditiously and with fairness both to the Indian Tribes and the United States.

Major Objectives:

To complete substantially all claims filed under Section 2 of the Act of August 13, 1946, (pre-1946 claims) within four years.

To dispose of all claims filed under 28 U.S.C. Sec. 1505 (post-1946 claims) which are more than 6 years old.

Base Program Description: Section 15 of the Act of August 13, 1946, 60 Stat. 1049, 25 U.S.C. 70n, provides that the Attorney General shall represent the United States in all claims presented to the Indian Claims Commission. This provision applies to claims arising prior to August 14, 1946. The defense of Indian tribal claims against the United States arising after August 14, 1946, and filed before the Court of Claims under the provisions of 28 U.S.C. 1505, is governed by the same authorities (except the authority of the Attorney General to conduct litigation before the Court of Claims which is found in 28 U.S.C. 518, 519). This program does not involve "client" agencies. Pursuant to the Act of October 8, 1976, 90 Stat. 1990, the Indian Claims Commission was terminated on September 30, 1978. All 123 dockets pending before the Commission were transferred to the Court of Claims on or before September 30, 1978. The transfer of these cases will not reduce the workload of the Indian Claims Section.

The Court of Claims had 118 active dockets at the beginning of 1981 and five new dockets will be received and about 23 dockets will be closed during 1981.

Accomplishments and Workload: Accomplishments of the Indian Claims program are presented in the following table:

Item	Estimates			
	1979	1980	1981	1982
Cases received	11	8	5	3
Cases closed	49	9	23	23
Cases pending, end-of-year	119	118	100	82

Although the pending workload is decreasing, this does not indicate a reduction of work since the less complicated cases were disposed of leaving only the more difficult cases to litigate. A substantial number of the remaining cases are highly complex, time consuming accounting cases which will require additional litigation.

During 1900, the Supreme Court, reversing the Court of Claims, held that there was no jurisdiction to consider Indian tribal claims unless Congress had unequivocally consented to the consideration of such claims. United States v. Mitchell, 445 U.S. 535. Also, the Supreme Court, affirming the Court of Claims, held the United States liable for a Fifth Amendment taking of the Sioux Black Hills in 1877 with total damages of \$105 million. United States v. Sioux Nation, 100 S. Ct. 2716.

We have initiated an evaluation of all the Indian claims cases especially those involving the accounting of tribal funds, in order to expedite the disposition of these cases. The review process has begun to show progress but it is too early in the program to predict results.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decreases				
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.			
Marine Resources.....	12	11	\$561	12	11	\$574	12	11	\$574

Long-Range Goal: To assist program agencies, through litigation, in enhancing and developing both commercial and esthetic resources of the United States in adjacent seas and in the coastal zone.

Major Objectives:

To develop and establish litigation programs designed to support agency programs (principally the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior) through both defensive and enforcement litigation.

To develop and establish litigation programs designed to protect and manage the natural resources of the outer continental shelf, particularly oil and gas resources, as mandated by the Outer Continental Shelf and the Submerged Lands Acts.

To develop and establish litigation programs designed to conserve and manage the living resources of the adjacent seas as mandated by the Fishery Conservation and Management Act (FCMA), the Marine Mammal Protection Act (MMPA) and a variety of other statutes dealing with living resources of the marine environment.

To develop and establish litigation programs designed to manage the coastal and marine environment under the Coastal Zone Management Act (CZMA), the Marine Protection Research and Sanctuaries Act, and the Deep Water Port Act.

To develop coordination of international and domestic law and policy relating to the seas and seabed adjacent to our coasts and beyond.

Raise Program Description: The program activity which concerns the protection and management of the natural resources of the outer continental shelf is based upon the Submerged Lands Act, 43 U.S.C. 1301, et seq., and the Outer Continental Shelf Lands Act, 43 U.S.C. 1331, et seq. The former Act grants to the states certain rights to the natural resources of the seabed within three nautical miles of the coastline from which the territorial sea is measured. The latter Act, administered by the Department of the Interior, confirms federal title and jurisdiction in the seabed seaward of that grant and establishes a system for exploring and exploiting the natural resources of that area.

The bulk of the litigation implementing this program consists of actions to determine the rights of the United States vis-a-vis states and individuals to oil and gas deposits in the seabed. This litigation involves ownership of many millions of barrels of oil and trillions of cubic feet of gas and will have a far reaching effect on the energy program of the United States. The conclusion of litigation under this program will permit exploitation of offshore oil and gas deposits which will result in considerable revenue to the Federal Government and help to achieve the Nation's energy objectives.

The program activity which concerns conservation and management of the living resources of the adjacent seas is based upon the Fishery Conservation and Management Act (FCMA); 16 U.S.C. 1801; the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361; and a variety of other statutes dealing with specific living resources. Under the FCMA, the Federal Government not only extended its fishery jurisdiction from 12 to 200 miles, but will, for the first time, regulate fishing for virtually all species of fish within those limits by American as well as foreign fishermen. Without the regulations provided under this Act, many species of fish would be threatened or soon cease to exist. The loss of these stocks would result in an irretrievable loss of food protein as well as great economic injury to American fishing interests. The present estimated value of the commercial and recreational fisheries that will come under regulation by virtue of this Act is in excess of \$1 billion. Under the MMPA, the Federal Government regulates the taking of marine mammals out to the limits of the jurisdiction of the United States--in many instances out to 200 miles--to ensure the continued survival of these species for the benefit of the Nation and the world. Many species of marine mammals, including several species of porpoises and whales, would be threatened with extinction in the absence of such regulation.

The program activity that concerns the management of coastal and marine environment is based upon the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451, et seq.; the Marine Sanctuaries Act, 16 U.S.C. 1431, et seq.; and the Deepwater Port Act, 33 U.S.C. 1501, et seq. While the Department of Commerce is responsible for administering the CZMA and Marine Sanctuaries Act, the Department of Transportation is responsible for administering the Deepwater Port Act. Under the CZMA, the Federal Government provides financial and other assistance to the coastal states to develop and implement comprehensive programs for managing their coastal zones. At present, only a few states have obtained

approval for their management plans. The Marine Resources Program staff is presently involved in defending challenges to most of these federally approved programs.

The program activity that concerns development and coordination of international and domestic law and policy relating to the seas and seabed adjacent to United States coasts and beyond is based upon the responsibility of the program to represent the Department on various interagency committees including the National Security Council's Law of the Sea Group, the Interagency Coastal Committee, and various other ad hoc groups. These groups have been established in order to develop and coordinate policy for the ongoing Third United Nations Conference on the Law of the Sea and to deal with a wide range of issues relating to the uses of the adjacent seas that have been and will continue to be addressed domestically by Congress.

Accomplishments and Workload: Accomplishments of the Marine Resources Program in 1980 are presented in the following table.

Item	1979	1980	Estimates	
			1981	1982
Cases received.....	92	97	160	175
Cases closed.....	42	89	175	125
Cases pending, end-of-year.....	136	144	179	229
Legislation/coordination.....	65	75	70	70
Briefs/arguments.....	130	135	140	140
Responses to legislation/coordination.....	55	65	60	60

1980 brought a number of significant developments in litigation affecting offshore resources. The traditional litigation to resolve title to offshore oil and gas deposits through original Supreme Court actions between the Federal Government and the coastal states continues. The Supreme Court determined rights of the United States and the State of Louisiana to the approximately \$350 million which remained at issue in *United States v. Louisiana*. The United States has already obtained in this litigation close to \$3 billion (\$298 million in FY 1980.) In *United States v. California* the United States established title to an area of the seabed estimated to contain oil and gas resources valued at \$12 to \$16 million. Litigation against the states of Alaska, California, Hawaii, Maine and Rhode Island to determine the seaward boundaries of those states will continue through 1981 and 1982. Notably, the litigation to determine ownership of an area adjacent to that State thought to contain as much as 8 billion barrels of oil and 22 trillion cubic feet of gas, *United States v. Alaska*.

1980 saw a continued increase in litigation under the Outer Continental Shelf Lands Act (OCSLA) relating to the development of critically needed offshore oil and gas which is expected to continue in 1982. The unit conducted considerable litigation defending the decisions of the Secretary of the Interior regarding the issuance or denial of oil and gas leases on the outer continental shelf (e.g., *Stewart Capital Corporation v. Andrus*) as well as challenges by various state, environmental and consumer groups seeking to enjoin the exploration and development of outer continental shelf oil and gas resources critically needed to address the continuing energy crisis. *Massachusetts, et al.*

V. Andrus. This litigation involved the first attempts to hold up expanded and expedited development under the 1978 Amendments to the OCSLA. Energy Action Educational Foundation v. Andrus; State of Louisiana v. Andrus; and State of Texas v. Andrus.

1980 saw implementation of two new programs by the Department of the Interior, enforcement of those provisions of the Act prohibiting pollution from development activities and enforcement of the provisions requiring diligent development of offshore oil and gas deposits.

1980 saw the continued growth in litigation under the FCPA. For the fourth year in a row, NOAA's Ocean Salmon Fishery Plan for the Pacific Northwest was the subject of multiple litigation involving challenges by commercial, recreational and Indian fishing groups, e.g., Washington Trollers, et al. v. Krebs, Civil No. 79-541.

There were numerous other cases under various other statutes relating to the salmon fisheries in the Pacific Northwest e.g., United States v. Decker, and United States v. Marriot. In addition, there were numerous other cases under various other actions both defending other fishery plans (e.g., Ngoleon v. Hodges) or various other regulations under the Act (e.g., National Food Processors Assn. v. Klutznick) as well as expanding litigation to enforce the Act (e.g., United States v. Kaljo Maru). In 1980 and 1981 the unit dramatically increased enforcement actions taken against Americans for widespread violations of the various fishery plans promulgated under the FCPA. NOAA issued close to 300 notices of violations just for the 1978 and 1979 seasons which generated considerable litigation in 1980 and 1981.

In 1980 the program successfully defended against efforts by certain Alaskan Eskimos to require the Secretary of State to reject an internationally imposed ban on the killing of seriously threatened banded whales (e.g., Hopson, et al. v. Krebs). The unit also successfully defended a challenge to regulations under the Act regarding protection of Alaskan walrus (e.g., People of Iglood, v. United States). In other litigation under the MPA the program defended challenges to regulations relating to the taking of porpoises incidental to fishing for tuna. Besides defending off challenges to enforcement under the Act (e.g., Marling Wonderland et al. v. Krebs) the program witnessed the beginning of a greatly expanded enforcement effort by NOAA (e.g., United States v. FTV Reguise, and United States v. West). For example in 1980, the program dramatically increased enforcement actions taken against the American tuna fleet for widespread violations of the MPA in killing porpoises in previous seasons (e.g., United States v. Approximately 131 Tons of Tuna). NOAA issued over 160 notices of violations just for the 1976 through 1978 seasons, which generated considerable litigation in 1980 and 1981.

1980 saw the conclusion of the first major cases under the CZMA. The program defended against efforts by the oil and gas industry in three cases challenging federal approval of state coastal zone management programs to prevent implementation of the Coastal Zone Management Act of 1972 which is intended to encourage and assist state programs to

assure the preservation and protection of the nation's coastal regions, while permitting reasonable development in those areas. American Petroleum Institute. In 1980 and 1981 the unit successfully defended challenges to lateral boundary determinations under the CMAA. State of Louisiana v. Hodges, and State of Mississippi v. Secretary of Commerce.

Finally, 1980 witnessed major litigation to protect the oceans from pollution by large scale dumping. Litigation included both the defense of this program (e.g., National Wildlife Federation v. Costle) and enforcement actions. Thus, a settlement was reached on enforcement suit against one of the principal dumpers of wastes in City of Philadelphia v. United States. Enforcement actions were filed against other major dumpers, e.g., United States v. City of New York; United States v. Court of Westchester.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decreases		
	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	
Land Acquisition.....	74	74	74	\$3,501	74	74	\$3,604

Long-Range Goal: To continue to acquire land for congressionally authorized public purposes through the institution and prosecution of condemnation proceedings and in the course thereof to provide the United States the highest quality legal representation.

Major Objectives:

To secure the lowest possible compensation awards consonant with fairness to both the landowners and the government.

To achieve and maintain a current status in the condemnation caseload (i.e., to reduce the pending caseload to the point where condemnation cases can be disposed of in the course of one year and to maintain that balance thereafter.)

Base Program Description: Under this program, lands needed for congressionally authorized public purposes, but which agencies are unable to acquire by direct purchase, are obtained by judicial condemnation proceedings in which compensation is determined and awarded to the property owners. The Congressionally authorized public uses for which lands include projects for the improvement and protection of navigable waters, military facilities, national parks, national forests, national lakeshores and seashores, scenic and wild river systems, reclamation and irrigation of arid lands in the western states, flood control, electric power generating and transmission facilities, wildlife preserves, postal facilities, airports and air traffic control facilities, international boundary stabilization, strategic petroleum reserve storage facilities, nuclear waste storage facilities, and buildings, offices and facilities for federal agencies.

The Land Acquisition program attorneys have primary or joint trial responsibility with the United States Attorneys for approximately one-half of the total tractload. In addition, the attorneys are responsible for the supervision and assistance required by the United States Attorneys in the prosecution and disposition of the balance of the tractload.

The U.S. Army Corps of Engineers and the National Park Service are the primary client agencies and their referrals comprise over 80 percent of the program's caseload.

It should be emphasized that this program cannot reduce its caseload by declining prosecution. Requests for condemnation are for lands necessary for Federal projects; even small, low-value tracts are essential to the needs of the client agencies and are referred for condemnation only because they cannot be acquired from the landowners voluntarily. Moreover, the General Condemnation Act requires that the Attorney General, upon every application of an officer of Government authorized to acquire land, shall cause proceedings to be commenced for condemnation within 30 days.

In addition to increased numbers of cases, an increasing percentage of the caseload is made up of complicated and high-risk cases. To a great extent, this is due to escalating land values, increasing land development, and skyrocketing values of timber, coal, oil and gas, and other minerals located on condemned lands. For example: Condemnation proceedings have been commenced for five sites in Texas and Louisiana on behalf of the Department of Energy for underground storage of crude oil in connection with the Strategic Petroleum Reserve Project. Along with the dome sites themselves, extensive pipeline easements and terminal facilities were also condemned so as to properly service these sites. These cases involve substantial monetary exposure with claims totaling almost \$200 million. Since these cases will be highly technical -- with a tremendous quantity of document discovery, expert reports and technical background materials -- teams of senior trial attorneys have been assigned for the preparation and trial of these cases. Due to the complexity of these cases in the Strategic Petroleum Reserve Project it is estimated that \$10 to \$15 million in litigation expenses will be incurred by the Government.

Another complicated and high risk case is the litigation involving the expansion of the Redwood National Park. Congress, by P.L. 95-250, authorized the expansion of the Redwood National Park and by this Act condemned approximately 49,000 acres for which \$300 million has been deposited into court with the landowners claiming in excess of \$1 billion.

The principal type of condemnation case the Government files is a declaration of taking case. In these cases, the Government files a declaration of taking with a deposit of estimated compensation. The compensation is fixed with reference to the property's value on the date of filing the declaration of taking. However, the Government has a statutory obligation (40 U.S.C. 285a) to pay interest at the rate of six percent per annum on the difference between the amount of the deposit and the amount finally awarded from the time of the deposit to the time of payment of the award. The total dollar amount on deposit for all pending declaration of taking cases is approximately \$600 million. The percentage by which awards exceed deposits on a nationwide average is approximately 30 percent. Thus, for every year that presently pending declaration of taking cases remain pending, the Government is incurring an interest obligation of approximately \$10.6 million.

The second of the two methods for acquiring property is condemnation by complaint-only. In this type of case no deposit is made, and the compensation is based on the value of the property at the time of trial. Generally, real estate prices have been increasing dramatically in recent years and the trend is expected to continue. The total appraised value of all presently pending complaint-only tracts is approximately \$105 million based upon appraisals that are from 6 to 12 months old at the time the cases are filed. Assuming a national average increase of land value of only 10 percent, every year's delay in the disposition of the presently pending complaint-only cases costs the Government an additional \$10.5 million, based solely upon escalating land values.

In connection with its eminent domain cases, the Land Acquisition program works closely with the Appraisal program whose basic functions are to provide appraisal reviews and analyses, information concerning the qualifications of appraisers nationwide, and general consultation and advice regarding appraisal matters.

Accomplishments and Workload: Accomplishments of the Land Acquisition program in 1980 are presented in the following table:

Item	1979	Estimates	
		1980	1982
Tracts opened.....	7,855	3,978	4,700
Tracts closed.....	5,070	6,245	6,500
Tracts pending, end-of-year.....	21,230	18,963	15,363
Percentage by which judgments exceeded government's appraisal/ testimony.....	27%	24%	20%
Percentage saved on total dollar claims for which judgments were entered.....	30.8%	36%	40%

The above table reflects an improved performance of the Land Acquisition program in reducing the number of tracts pending at the end of the year.

Work output (tract closings) in 1978 and 1979 was 132 percent greater than that of the two preceding fiscal years. In 1978 and 1979, the program closed 6,855 and 5,070 tracts, respectively, or an average of 5,962 tracts per year. While in 1976 and 1977, the program closed 2,647 and 2,472 tracts, respectively, or an average of 2,559 tracts per year.

A program of special attention to the easements in the Southern District of California (Chocolate Mountain Aerial Gunnery Range Project) and the Southern District of Florida (Big Cypress National Preserve Project), instituted pursuant to the "Land Acquisition Section Case Load Reduction Plan" (March 1978), has achieved significant results: the disposition in 1978 of upwards of 2,500 Chocolate Mountain tracts, which virtually eliminated the then-existing backlog in the Southern District of California; and the securing of judgment in approximately 6,000 Big Cypress tracts between March 1978 and the present.

In 1980, the program achieved a settlement of one of its major cases (the Klamath case, involving the acquisition of 135,000 acres of valuable timberland) for \$130 million -- the most valuable land acquisition concluded in memory.

A computerized data retrieval system for litigation management, proposed for development under the program's Caseload Reduction Plan of March 1978, is in operational status. The system has been designed, data conversion has been substantially completed, training of personnel has been completed, and the system implementation is on schedule.

As part of its training program, the program presented a four-day national seminar on eminent domain practice and procedure in both 1978 and 1980. Each of the two seminars involved a different program and was attended by an average of 150 persons, including Assistant U.S. Attorneys, representatives of acquiring agencies, and program personnel.

	1981 Appropriation			1982 Base			Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Environmental Protection.....	74	71	\$3,506	74	71	\$3,789	80	75	\$4,041	6	4	\$252

Long-range Goal: To conduct the litigation necessary to achieve the levels of pollution control and energy conservation throughout the nation which are mandated by Congress in the relevant statutes.

Major Objectives:

To defend agency rules and regulations in order to maintain the integrity of agency programs, maintaining the coherent operation of agency programs through sustaining agency actions in court.

To handle collateral suits to allow the agencies' enforcement and other programs to operate effectively and without undue delay.

To conduct successfully the enforcement cases which are prepared and sent to the program by the referring agencies.

To bring suits against violators as national entities rather than simply looking at pollution problems from a regional or local basis.

To develop and implement new initiatives to promote energy conservation through litigation.

Base Program Description: The Environmental Protection program directly conducts, or supervises the United States Attorneys in the conduct of litigation arising under the statutes establishing controls on pollution and under energy statutes. The program defends its client agencies, Environmental Protection Agency (EPA), the Army Corps of Engineers, the Department of Energy (DOE), and the Coast Guard, against challenges to their regulations and brings civil and criminal enforcement actions to assure compliance with the pollution control and energy statutes and the regulations and permits under them.

This program is comprised of three sections: Pollution Control, Environmental Enforcement and Energy. The Pollution Control Section is primarily responsible for defensive litigation involving air and water resources. The Environmental Enforcement Section's emphasis is directed at vigorous enforcement of the pollution control statutes and provides the Division with the capability to focus on and develop complex, factual enforcement cases. The Energy Section is responsible for the Division's energy-related litigation and develops and implements initiatives to promote energy conservation through litigation.

It is the responsibility of these sections to control, abate and reduce pollution of the nation's air and water resources and unauthorized dredging and filling in the waters of the United States; and aid in the regulation and control of pesticides, noise and toxic substances. This program is carried out by handling civil litigation on behalf of the client agencies principally the EPA, the Army Corps of Engineers and the Coast Guard. This civil litigation is both defensive (principally defending EPA from challenges to the rules and regulations which it issues under the Clean Air Act and Clean Water Acts which seek to control pollution), and affirmative (principally bringing enforcement cases on behalf of EPA against violations of the Clean Air and Clean Water Acts and for the Corps of Engineers under the Refuse Act and the Clean Water Act). In addition, the program is responsible, in cooperation with the Criminal Division for criminal litigation brought under the pollution control statutes usually on referral from a client agency. Under a memorandum of understanding entered into between the Justice Department and EPA in June 1977, all civil litigation for EPA passes through the program and is reviewed there both before forwarding to a United States Attorney's office and at the close of the suit. The purpose of this agreement is to provide efficient and uniform handling of EPA's referrals, and to ensure maximum coordination with the agency.

The magnitude of the defensive work--primarily direct review of administrative actions in the Courts of Appeals, but increasing challenges in district courts as well--can be judged by the more than 245 cases of this sort which were forwarded to the Department of Justice in 1980 by EPA. This was an increase from approximately 185 referrals in 1979 and reflects the major amendments Congress made to both the air and water acts in 1977. The defense of these suits must be undertaken and their importance is underscored by the fact that EPA, under the Water Act, must issue pollution control regulations for each class and category of industry discharging into the waters of the United States. EPA must also approve state plans for the implementation of the Air Act, and establish allowable limits of pollutants in the air.

Both the affirmative civil litigation and the criminal litigation essentially involve enforcement of the regulations under the Air Act, the permits issued under the Water Act, the Corps of Engineers dredge and fill permit program and the pesticide re-registration requirements. The national magnitude of this enforcement responsibility can be seen by looking at the enforcement task assigned to EPA. More than 45,000 permits have been issued under the Water Act; in 30 states EPA shares responsibility with the state for assuring compliance with the terms and conditions of those permits. In the other states the responsibility is primarily that of EPA. Under the Air Act approximately 200,000 stationary sources are required to comply with regulations issued under state implementation plans mandated by statute; of these, 22,000 are classified as major stationary sources. Hundreds of thousands of cars are required to meet the air pollution standards for mobile sources. Under the pesticides statutes, the agency must review more than 35,000 submissions supporting the regulated use of pesticides. Under all of these statutes Congress has provided both civil and criminal penalties for violation of the law. In addition, the Corps of Engineers, which has the responsibility to control dredging and filling in the nation's rivers and wetlands, has an equally large enforcement job.

Some of the caseload in this program is changing. New cases focus on the failure to maintain pollution control equipment, surreptitious and unreported discharges by those within the regulatory system and pollution disposal by those outside the scheme of regulation. These cases will involve greater factual development through investigation, discovery and trial than has been the custom with the easily identifiable failures to install pollution control equipment. The preparation and trial of such actions in turn will demand a greater expenditure of lawyer resources than has been the case in the past. The Environmental Enforcement Section in this program will serve to focus this need and provide a group of attorneys with sufficient resources to carry out enforcement litigation. The enforcement and defensive groups of this program will work closely together to ensure that EPA's entire regulatory program is effectively enforced.

The energy caseload is handled by a separate section working in conjunction with DOE personnel. The Energy Section was organized in September 1980 to consolidate various aspects of the Division's multifaceted and growing energy caseload into one cohesive unit.

The Section is responsible for the conduct of litigation arising under various statutes passed as part of the National Energy Act of 1978. Foremost among these are the Powerplant and Industrial Fuel Use Act of 1978, which requires electric utilities and other major fuel burning installations to convert from oil and gas to coal or other alternate fuels, and the Public Utility Regulatory Policies Act, which calls for the consideration of federal standards by state public utility commissions in their rate-making proceedings. The Section is currently involved in litigation challenging the constitutionality of both of these statutes. Additionally, the Section is currently defending the Department of Energy's program to displace foreign oil imports by allowing utilities to burn natural gas temporarily under the Fuel Use Act.

The Section is also responsible for litigation arising under the Ocean Thermal Energy Conversion (OTEC) Act of 1980. This new statute establishes a comprehensive licensing and regulatory system for ocean thermal energy conversion facilities which are designed to use temperature differences in ocean water to produce electricity. In signing the bill into law, the President noted that OTEC is a technology that will contribute greatly to the goal of meeting 20% of U.S. energy needs from renewable resources by the year 2000.

The Section has also assumed responsibility for certain energy-related litigation previously handled by the General Litigation Section. This includes several broad areas relating to energy development, including oil and gas leasing on federal lands, coal leasing on federal lands, and certain aspects of nuclear energy. Given the increasing importance to our Nation's future of energy development on federal lands, it was decided that this litigation is best handled by a specialized Section having a permanent cadre of lawyers experienced in the area. Additionally, transfer of this work to the Energy Section has helped to relieve the over-burdened General Litigation Section.

Finally, the Section is responsible for implementation of the Division's proposal, approved by the Attorney General, to explore and pursue litigation opportunities to promote energy conservation and reduce waste. Working in conjunction with its client agencies, the Section is pursuing such matters as preventing waste of oil and gas by federal lease

holders, protecting the government's interests as a customer of public utilities, promoting the recovery of waste materials for use as energy, and encouraging remedial request in environmental enforcement actions, which do not unduly impede energy efficiency.

Accomplishments and Workload: Accomplishments of the Environmental Protection Program in 1980 are presented in the following table:

	1979	1980	1981	1982 Estimate
Cases received	675	965	1,115	1,115
Cases closed	627	481	481	534
Cases pending, end-of-year	1,833	2,317	2,951	3,532

Pollution Control Section

During 1980, a number of cases originally handled by the Pollution Control Section have gone to final resolution in the Supreme Court through decision on denial of certiorari. Our position has been upheld in each of these cases. Harrison v. POG Industries (May 27, 1980) reversed the Fifth Circuit and settled an important question of whether jurisdiction for review of agency action under the Clean Air Act lay in the Courts of Appeals or the district court. Crown Simpson Pulp Co. v. Costle (March 17, 1980) reversed the Ninth Circuit and ruled on a similar question of jurisdiction under the Clean Water Act.

United States v. Ward (June 27, 1980) reversed the Tenth Circuit and upheld the Coast Guard's interpretation of the penalty provision of the oil spill section of the Clean Water Act. National Crushed Stone Assoc., Inc. v. EPA (December 12, 1980) reversed the Fourth Circuit and upheld EPA's interpretation of the variance provisions of the Clean Water Act. Costle v. Pacific Legal Foundation (March 18, 1980) reversed the Ninth Circuit and upheld interpretation of its public hearing requirements under the Clean Water Act. Denials of certiorari in United States Steel Corp. v. U.S. EPA and Chrysler Corp. left decisions favoring EPA's position under the Clean Air Act in the Seventh and District of Columbia Circuits standing.

A series of major constitutional challenges to provisions of the Clean Air Act requiring certain states to adopt automobile emission control, inspection and maintenance (I/M) programs arose during the year. The Section successfully defended the first of these suits, Mountain States Legal Foundation, et al. v. Costle, et al. in the Tenth Circuit and has been successful so far, at the preliminary injunction stage, in the second such suit, Pacific Legal Foundation, et al. v. Costle (N.D. Calif.). In these cases, the plaintiffs have contended that the various methods available to EPA to induce states to enact I/M legislation contravene the Tenth Amendment to the Constitution.

The Section handled several significant district court cases arising under the Federal pesticide and toxic substances laws. In Dow Chemical Company v. EPA, the district court in Delaware refused to overturn EPA's inclusion of chemicals called monochlorobiphenyls within the scope of its regulations implementing a statutory ban on the manufacture and use of polychlorinated biphenyls (PCBs). In Chevron Chemical Company v. Costle,

the same court turned aside a constitutional challenge to section 3(c)(1)(D) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), which provides a mechanism by which EPA uses research data produced by initial pesticide registrants to form the basis of registration decisions with respect to similar chemicals produced or formulated by other registrants. This is one of seven similar lawsuits the Section is handling, another of which was tried in a three-week trial in the western district of Pennsylvania late in the year.

In a case whose scientific complexity is enormous, EPA's new ambient air quality standard for lead was upheld against substantial challenges mounted by the regulated industry. The D.C. Circuit upheld the standard to toto, holding that EPA properly utilized conservative assumptions in fashioning the standard around the most sensitive group in the total population, children, and properly utilized margin of safety considerations in setting the standard below the level at which adverse health consequences had been demonstrated. The court also turned back a challenge by environmental groups to EPA's refusal to establish a separate secondary standard.

The Section successfully defended several lawsuits in which plaintiffs sought judicial review of informal guidelines used by EPA in carrying out its regulatory responsibilities. In *Rubber Manufacturers Association, Inc. v. Costle*, the district court ruled that "control technique guidelines", used by EPA as guidance states in fashioning air pollution implementation plans, are not reviewable.

Environmental Enforcement Section

During 1980, important precedent in the area of environmental enforcement was established. There were major successes in the prosecution of criminal cases. In *United States v. Burns*, guilty pleas were obtained against individuals charged with illegal disposal of polychlorinated biphenyls (PCBs), and in *United States v. Oxford Royal Mushroom Products, Inc., et al.*, guilty pleas for violation of the Clean Water Act involving discharges without permits resulted in fines of \$100,000 for the corporation and \$100,000 and a five-year probation for the President.

Substantial civil penalties were obtained in *United States v. Delaware County Incinerators* (\$100,000 for violations of the Clean Air Act at a municipal incinerator) and in *United States v. International Harvester Co.* (\$319,500 for failure to meet statutory deadlines and for violations of a national pollutant discharge elimination system (NPDES) permit under the Clean Water Act). The *International Harvester* decision established important precedent on the obligation of a polluter to install alternative compliance technology upon discovery that its initial equipment was not able to adequately control its discharges. The Court also clearly recognized the strict liability aspect of the Clean Water Act.

In a case of major import brought under the Clean Water Act, the City of Los Angeles entered into a consent decree which required the municipality to comply with its NPDES permit by halting the discharge of sewage sludge into the Pacific Ocean. The agreement parallels that successfully concluded with the City of Philadelphia, during the preceding year.

Energy Section

Process Gas Consumers Group, et al. v. Hazel Rollins, et al. (D.C. Cir.) -- This is a challenge to three sets of special temporary public interest exemption orders issued by the Department of Energy (DOE). DOE initiated the special temporary public interest exemption program by rulemaking in April 1979. The program relieves utilities of certain prohibitions in the Fuel Use Act which would otherwise prevent utilities from increasing the amounts of natural gas burned as boiler fuel. DOE determined that such exemptions would be in the public interest principally because they would promote use of domestic natural gas, rather than unreliable imported petroleum, thereby helping to solve such problems as the balance of payments, the nation's security and the domestic rate of inflation. To date, DOE has issued more than 1,000 exemptions to individual utility units. Although this case involves challenges to only three sets of exemption orders, if petitioners are successful, the entire exemption program would be jeopardized. If the program falls, hundreds of thousands of utility customers will be forced to pay hundreds of millions of dollars in increased utility charges resulting from the high price of petroleum-based utility boiler fuel.

Atlanta Gas Light Co., et al. v. Dept. of Energy (5th Cir.) -- Section 402 of the Fuel Use Act establishes a gradual phase-out of the use of natural gas in outdoor lighting. Petitioners brought suit to challenge the constitutionality of Section 402, arguing that it is beyond the power of Congress under the Commerce Clause, that it contravenes the Tenth Amendment, and that it violates the Equal Protection and Due Process Clauses. Although the amount of natural gas that would be saved under the program is quite small, the case is significant because it could affect the power of Congress to enact other conservation measures. The case has been briefed and is awaiting argument in the Fifth Circuit.

Pullman v. Chorney, et al. (D. Colo.) -- Plaintiff seeks to represent a class of all offerors for noncompetitive federal oil and gas leases. Plaintiff alleges widespread fraud on the part of certain private defendants and further alleges that the government has failed to take necessary steps to prevent or cure the fraud. The case is significant because it has created great uncertainty in the West among lessees as to whether they should undertake exploration activities. If some of plaintiffs' theories were accepted, there would be considerable uncertainty about lessees' titles and hence exploration would become even riskier than it already is.

Continuing Into 1982, the program anticipates a number of challenges to the state air pollution implementation plans approved or disapproved by EPA. Under the Clean Water Act, the program anticipates a growth of challenges in 1982 and 1983 to the guidelines which, under the Clean Water Act, industry by industry, set standards for the best available treatment technology which must be in place in 1984. Under both acts, defensive cases focused on particular decisions such as granting or denying a permit, will continue at approximately the present rate. The current trend of increase in complex, district court defensive litigation, particularly under the Clean Water Act, is expected to continue. These cases take much more time than is typically applied to the appellate cases that was typical prior to 1978, when the increase in district court work began. Under the Fuel Use Act, the program anticipates a substantial growth in individual challenges to orders and exemptions.

Program Changes -- The requested increase of six positions and \$252,000 will provide additional staffing for the Energy Section. These increases are required to address an anticipated increase in the existing DOE litigation; to address litigation expected to arise under newly enacted energy statutes; to permit satisfactory development and implementation of new initiatives to promote energy conservation through litigation; and to satisfactorily litigate most energy related cases without diminishing resources in other parts of the Division below levels required to maintain their programs.

A partial listing of the major energy cases the Energy Section anticipates litigating in 1981 and 1982 follows:

Baltimore Gas & Electric Co., et al. v. DOE (4th Cir.) -- This matter involves numerous petitions for review that have been consolidated into one proceeding. Petitioners challenge DOE's regulations implementing the Fuel Use Act. Although the litigation was first filed in 1979, it has been held in abeyance pending finalization by DOE of certain aspects of the regulations. It now appears that the rulemaking will be completed by the end of December, and that the litigation will be activated shortly thereafter. Briefing these cases will require the substantial efforts of several lawyers in the Section, since the petitioners raise numerous challenges and the court has indicated it will impose a tight briefing schedule. The major issues revolve around the criteria for exemptions under the Act, particularly the so-called "cost test" exemption.

Individual Fuel Use Act Litigation -- Once the Fourth Circuit litigation, described above, is completed, we anticipate numerous individual cases in which utilities or industrial plants will challenge specific prohibitions or exemption denials for their plants. DOE has several hundred such individual proceedings in the pipeline now, and they are expected to culminate in final orders during 1981.

OIEC Litigation -- NOAA is expected to complete its implementing rules for the OIEC program in July 1981. The rules will be quite wide-ranging, particularly with respect to environmental requirements, and thus litigation can be expected.

Public Utility Proceedings -- The Section is preparing a package presentation for state public utility proceedings which will provide information and expert testimony about a wide range of alternative energy sources and technologies that can be used to complement or replace traditional supplies. During 1981, we anticipate making this presentation to selected state public utility commissions under the Public Utility Regulatory Policies Act intervention program.

Federal Oil and Gas Leasing Authority -- The federal government has substantial authority over oil and gas production on federal onshore and offshore lands through the leasing process. This authority has not traditionally been used to ensure efficiency in use and production (e.g., leasing requirements of enhanced oil recovery techniques), but the Department of the Interior has recently expressed an interest in the area. We are planning to explore more fully with Interior the extent of this authority and the ramifications, including litigation, of exercising it.

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Long-Range Goal: To protect and define the rights of Indian Tribes under treaties, acts of Congress and Executive Orders, in those cases where the U. S. has a trustee relationship with such Indians or Indian tribes.

To provide representation for the U. S. as trustee for Indian or Indian tribes in order to protect and define their rights under treaties, statutes, and Executive Orders.

Base Program Description:

The Indian Resources program is responsible for litigation where the United States is acting as trustee on behalf of the Indians or Indian tribes. This litigation extends to the protection of more than 50 million acres of land included in Indian reservations. At this time litigation is concentrated in five general areas: (1) litigation to establish by judicial litigation relating to the establishment and protection of hunting; (2) fishing rights held under treaties; (3) litigation relating to the jurisdiction of Indian tribes to govern and control activities of their members within their reservations; (4) litigation to quiet title to land or other property rights of Indians, and (5) litigation protecting other rights of tribes and/or individuals.

We expect substantial activities in two areas this year which will place substantial burdens on the section.

The first, and in our view most important area, relates to water adjudications in the west. The section is currently responsible for all ongoing water adjudications in Montana, Wyoming, South Dakota, New Mexico, Nevada and Arizona as well as reopened proceedings in Arizona v. California, an original proceeding before the United States Supreme Court. The task of overseeing the preparation of United States claims on its own behalf and on behalf of the Indian tribes in these cases is substantial. Experts must be employed to prepare reports. The legal parameters of all claims must be determined after review with client agencies and Indian tribes. In addition, we contemplate a substantial number of court appearances in just this type of litigation. This work will require substantial time from the limited staff of this section.

The second area of concern relates to what we refer to as statute of limitation cases. Under 28 U.S.C. 2415, all claims for money damages of the United States on behalf of Indians or Indian tribes which arose prior to July 18, 1966 must be initiated prior to January 1, 1982, or be barred. The Department of the Interior has embarked on an intensive program to identify such claims and refer them here for litigation. The statute was scheduled to expire on April 1, 1980, but was extended by Congress. During the past fiscal year we received over 350 requests for litigation. We have initiated some action and others are under review. We expect Interior to forward a large number of new requests over the next two years. Although many of these matters will be handled out of United States Attorneys' offices, once litigation is initiated, we must review all requests and determine which are to be litigated. This will require a substantial effort in the next two years.

Accomplishments and Workload: Accomplishments of the Indian resources program in 1980 are presented in the following table:

Item	Estimates		
	1979	1980	1981
Cases received.....	63	398	75
Cases closed.....	37	60	100
Cases pending, end-of-year.....	264	602	577
			502

The above table reflects a continuing growth in the backlog of cases. With its existing resources, the program can provide reasonable protection of Indian rights under the treaties, statutes and Executive Orders to the cases pending.

During 1980, a number of decisions were rendered which clarified the law with respect to jurisdiction to tax transactions on Indian reservations and in Indian treaty fishing rights.

In *White Mountain Apache Tribe v. Bracker*, 100 S.Ct. 2069 (1980), the Supreme Court reversed the Arizona Court of Appeals and held that the State could not impose its motor carrier license and fees taxes upon a non-Indian contractor conducting timbering operations on the Fort Apache Reservation pursuant to a Bureau of Indian Affairs approved contract with the tribe. The Court found that the pervasive extent of federal regulations over tribes' logging operations, when considered with the lack of any function or service performed by the State which would justify

assessment of the tax, allowed "no room for these taxes in the comprehensive federal regulatory scheme." Similarly in Central Machinery Co. v. Arizona State Tax Commission, 100 S.Ct. 2592 (1980), Arizona had attempted to levy a sales tax upon a corporation which sold the Gila River Tribe tractors in a NIA-approved transaction conducted on the reservation. Reversing the State court, the Supreme Court held the comprehensive federal statutes and regulations governing trading with Indian tribes preempted the field and barred the State from imposing the tax. The Court rejected the argument that the transaction was subject to State taxation because the corporation was not a licensed trader and because the corporation was not a licensed trader and because it did not maintain a permanent place of business on the reservation.

There were also substantial developments in the area of a tribe's authority to tax the activities of non-Indians on the reservation. In Merrion v. Wichita Apache Tribe, 617 F.2d 537 (1980), the Court of Appeals for the Tenth Circuit (en banc) held that the tribe had an inherent power to levy a privilege tax on occupation of land and the tax fell on non-members. Non-Indian lessees who produce oil and gas within the tribe's reservation pursuant to leases granted them under auspices of the Secretary of the Interior had sued the tribe, tribal council, and the Secretary, seeking a declaratory judgment and an injunction severance tax which was measured by the production of oil and gas wells within the reservation. The district court granted the relief sought and the Court of Appeals reversed and remanded. The Supreme Court subsequently granted certiorari.

In another action in which the Indian tribes sought to impose a sales tax on cigarettes sold on the reservation of non-members, the Supreme Court held in Washington, et al. v. Confederated Tribes of the Colville Indian Reservation, et al., 100 S.Ct. 2069 (1980), that the power to tax transactions occurring on trust lands and significantly involving an Indian tribe or its members is a fundamental attribute of sovereignty which Indian tribes retain unless divested of it by law or necessary implication of their dependent status. At the same time the Court held that the tribal tax did not preempt state taxes on sales to non-members.

The extent of the Indian treaty rights to fish in the State of Washington was again before the Court this year. In United States v. Washington, Civil No. 9213, Phase II, the United States District Court for the Western District of Washington held that hatchery reared fish were to be included in the 50 percent share of the available harvest earlier court decisions had awarded the tribes as a result of the Stevens Treaties and that implicit to the treaty fishing clause was the right to have the fishery protected from man-made despoliation.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
General Litigation.....	55	54	\$2,391	55	\$4	\$2,471	55	\$2,471
						

Long-Range Goals: To effectively and efficiently handle all litigation assigned to the unit, especially litigation concerning such Presidential priorities as energy development, protection of public lands, mineral and water resources and Alaska National Interest Lands; to cooperate with client agencies; and to develop programs for litigation in important statutory areas so that various agency programs can be effectively promoted and furthered through thoughtful case law development.

Major Objectives:

To successfully defend legal challenges to significant national programs.

To successfully defend land and monetary claims against the U. S.

To successfully initiate actions to enforce statutes and regulations protecting the public resources including public land, water, mineral and energy resources.

To continue to match attorneys' ability and growth potential with the work to which they are assigned.

To establish additional training programs for paralegal and secretarial personnel to improve their skills as well as provide a better understanding of the legal work of the unit.

To stabilize and gradually reduce the case load per attorney to assure adequate time for preparation and effective case handling and arrangement.

Base Program Description:

This program litigates primarily on behalf of the Departments of the Interior and Agriculture in suits arising from the programs and policies. In addition, the program represents virtually every federal agency in suits under the National Environmental Policy Act of 1969.

The most important statutes which the program administers are the Surface Mining Control and Reclamation Act of 1977, Federal Coal Leasing Amendments Act of 1975, the Federal Land Policy and Management Act of 1976 (commonly known as the Organic Act for the Bureau of Land Management), National Forest Management Act of 1976, National Environmental Policy Act of 1969, Alaska Native Claims Settlement Act of 1971, and the Mineral Leasing Act of 1920. The program also handles litigation concerning several Presidential priorities and nationally significant programs, such as the development of energy resources, the quantification of federal reserved water rights, and the protection of Alaska National Interest Lands.

A substantial portion of the section's caseload involves litigation of claims filed under the Alaska Native Claims Settlement Act. Extensive litigation arose out of the complex statutory scheme for registration of natives, establishment of village and regional corporations, selection distribution of the land, and distribution of the money. Many cases have been resolved; a number of those still pending will be affected by the just-enacted Alaska Lands Act. This Act, signed into law on December 2, 1980, sets forth the Federal policy on the development and protection of Federal land in Alaska. One main effect of the law is to permit a legislative rather than a judicial solution to a number of significant problems.

Cases are handled in several broad areas relating to energy development including oil, gas and coal leasing on Federal lands. The program also litigates cases concerning nuclear power such as the transportation and treatment of nuclear wastes and endangerment of the public health from uranium tailings and slag piles. With the development of the President's energy policy and in the aftermath of the Three Mile Island accident, the program is experiencing a significant increase in this kind of work.

The total number of cases received is increasing primarily as a result of new legislation. In 1981 and 1982, an increase of 2,600 new cases is expected. This increase is primarily attributable to the enactment of the Surface Mining Control and Reclamation Act of 1977, as well as the Guam amendments to the Omnibus Territories Act (1977).

Accomplishments and Workload: Accomplishments of the General Litigation program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Cases received.....	1,019	1,360	1,600	1,200
Cases closed.....	814	1,019	1,040	1,040
Cases pending, end-of-year.....	2,222	2,563	3,123	3,283

The above data generally reflects an increase in productivity between 1979 and 1980.

Following are just a few of the many significant matters over which this program has responsibility. These will help to illustrate this program's role and achievements.

Peshlak v. Schlesinger. Plaintiffs have challenged all uranium leasing, milling and regulatory activities of the federal government because, inter alia, a single comprehensive environmental impact statement (EIS) was not prepared pursuant to National Environmental Policy Act (NEPA). The defendants include the Departments of the Interior, Agriculture, the EPA, the Nuclear Regulatory Commission, and the Tennessee Valley Authority. Defendants prevailed in the first two rounds of this litigation when plaintiffs' motions for a temporary restraining order and preliminary injunction were denied. The court wrote a significant decision on behalf of the federal defendants dealing with the nature of programmatic EIS's and their timing.

Massachusetts v. Andrus. Plaintiffs have challenged the legality of an outer-continental shelf oil and gas lease sale by the Department of the Interior on Georges Bank in the Atlantic Ocean. They sought an injunction alleging violations of, inter alia, NEPA, the Endangered Species Act, and the Marine Sanctuary Act. The District Court denied the motion for a preliminary injunction ruling in essence that plaintiffs are not likely to prevail on the merits. The court in its written decision described how the federal agencies met their legal obligations on this controversial matter and that it was not for the court to substitute its judgment for that of the administrators. The First Circuit sustained that ruling. The Supreme Court refused to enjoin the sale. The sale was held and the leases issued. Federal defendant's motion for summary judgment is pending in the District Court.

Permanent Surface Mining Regulation Litigation. Significant litigation is now taking place on the Surface Mining Control and Reclamation Act. The suits involve Interior's regulations establishing the permanent program under the Surface Mining Act. This program becomes effective when a state submits a program consistent with the Surface Mining Act and the permanent program regulations and the Secretary of the Interior approves the program. To date, extensive legal memoranda covering over 100 legal issues have been filed. The decision in this matter has been largely favorable to the Department of the Interior. The coal companies have taken an appeal.

City of Lancaster v. NRC and Susquehanna Valley v. Three Mile Island Reactor. Plaintiffs have challenged NRC's program for the handling and discharge of radioactive waste resulting from the Three Mile Island accident. With guidance from the DOJ, the NRC has agreed to prepare a programmatic EIS on the rest of the clean-up process and has also agreed not to discharge any decontaminated waste water into the Susquehanna River prior to 1982 or before the EIS is completed, whichever occurs earliest. In view of this, the plaintiffs in the City of Lancaster case have agreed to discuss the lawsuit. The Susquehanna case is still pending. We have been meeting regularly with the NRC on the controversial problem of the Three Mile Island clean-up.

Mobil Oil Corp. v. Andrus. In this action for declaratory and injunctive relief, Mobil challenged the application of certain regulations promulgated by the Secretary in 1976, relating to diligent development and continued operation of federal coal leases; to Mobil's lease and other leases issued prior to the regulations. Specifically, Mobil alleged that the regulations: a) unconstitutionally deprive Mobil of its property rights in the lease; b) are inconsistent with its lease; c) exceed the Department's authority to issue regulations under the Mineral Leasing Act; and d) were adopted without completion of the detailed statement required by the NEPA of 1969.

This case has been settled with a negotiated settlement favorable to the government.

Alexandria Waterfront Litigation. These are quiet title actions in which the United States claims title to all lands along the Alexandria waterfront that are riverward of the water mark as it existed in 1791. In November 1979, we concluded a settlement with one of the defendants (Development Resources, Inc.). In December 1979, the Attorney General approved a compromise of potential claims regarding four square blocks of townhouses in Alexandria. The Department of the Interior has offered the compromise to individual homeowners. Many homeowners have accepted this compromise and we anticipate more to accept. Two more settlements have been concluded. In November 1980, a case was settled with United Way of America and in December 1980, Marina Associates Incorporated also settled. Settlement discussions are pending with the city of Alexandria and one other defendant.

Loesch v. United States (Ohio River Cases). We are presently defending approximately 112 cases in the United States Court of Claims which seek to hold the government responsible for the massive erosion which is occurring on the Ohio River. Plaintiffs contend that the raising of the river by as much as 25 feet, as the result of the construction and operation of high-lift navigation dams, is causing the erosion. Twenty-four of these cases were tried in January and February 1978. The trial judge found that the Corps of Engineers projects were not responsible for the erosion. The causative factors for the erosion were found to be the soil composition of the banks, an excessively wet weather cycle and land use changes which resulted in water drainage into the banks. At trial, the government used hundreds of complex engineering exhibits which correlated and explained the thousands of data points which resulted from the one million dollar study conducted by the Corps, at our request, for the purposes of this lawsuit. The trial transcript was in excess of 5,000 pages. Plaintiffs have appealed the trial judge's decision. Eighty-eight cases remain to be tried. The Corps is budgeting another \$1 million for pre-trial preparation costs. We have expended several thousand hours of attorney time thus far and expect a similar commitment of attorney time will be required before these cases reach final judgement.

Jentgen v. United States (Wetlands Litigation). Jentgen, a land developer, has sued the Government claiming a loss of several million dollars as a result of the denial by the Corps of necessary permits under the Rivers and Harbor Act and the Clean Water Act. Plaintiff contends that the permit denial has resulted in an inverse condemnation of his land. (The subject lands consist of approximately 125 acres of mangrove wetlands adjacent to Everglades City, Florida.) The case was tried before a Trial Judge of the United States Court of Claims in November 1979. Expert witnesses at the trial included engineers and scientists from the Corps, EPA and National Fisheries as well as faculty members from several Florida universities. Plaintiff sought a ruling that the denial of the permit to fill the wetlands constituted an inverse condemnation. On November 25, 1980, the Trial Judge issued a recommended opinion concluding that the denial deprived Jentgen of the highest and best use of the property, and

concluded that it was a taking of property under the Fifth Amendment. The United States disagrees with the recommended opinion, and has filed notice of intention to file exceptions with the Court of Claims. The United States' brief is due February 9, 1981. A final decision by the Court is not expected until mid to late 1981.

Mon-Door Corporation v. United States. Plaintiff alleges a taking of its property interest as a result of defendant's ownership, processing and storage of certain radioactive substances. Plaintiff's property is adjacent to property involved in the processing, storage, and milling of uranium and other radioactive substances on behalf of defendant and through the benefit of licenses issued by defendant. On or about 1951, Vitro Chemical Company began operating a uranium mill on the latter property pursuant to license and permits from the Atomic Energy Commission. Vitro's operations resulted in the depositing of some 1.66 million tons of radioactive tailings on the Vitro property, adjacent to plaintiff's property.

In 1978, Congress enacted the "Uranium Mill Tailings Act," providing for the litigation of radiation exposure from mill tailings. Under the Act and upon designation by the Secretary of Energy, certain lands known as "original mill processing sites" must be acquired by states involved in the program. Other sites in the vicinity of the original site, known as "vicinity sites," may be acquired by the states. The Mon-Door property falls within the latter category.

After long negotiations, the State of Utah and the federal government have executed a cooperative agreement which preserves the action for the State to acquire the Mon-Door site. In addition, the DOE and Utah are preparing a remedial action plan for the contaminated properties near the Vitro site. Both the options are now before plaintiffs. It is expected that a negotiated resolution will be possible.

Jessie Short v. United States. This protracted suit is the claim by some 3,950 individuals--including 100 individual plaintiffs in the related Actley v. United States--to rights in the resources, past and future of the Hoopa Valley Indian Reservation in Northern California. In 1973 the court ruled that the "Square" portion of the reservation was not a separate resource to which only the Hoopa Valley Tribe was entitled. Subsequent proceedings were directed at determining which among the individual plaintiffs--all non-Hoopa members--were equally entitled as "Indians of the Reservation."

In November 1978, the Bureau of Indian Affairs (BIA) began an organization program among the nonaffiliated plaintiffs, while in May 1979, the United States moved to substitute the Yurok Tribe--to be organized in the BIA's process--as sole party plaintiff. In an organization

referendum, the individual plaintiff rejected voluntary organization. Despite the impact of that rejection on agency efforts, this Department has continued to pursue the government's substitution motion. On July 25, 1980, the Trial Judge rejected that motion. We have excepted to that recommended decision taking the issue to the full Court of Claims. We have requested an en banc review, an extraordinary but, we believe, warranted procedure.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
	Pos.			Pos.			Pos.			Pos.	

Policy Legislation and Special Litigation.....	18	16	\$630	18	16	\$645	18	16	\$645
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Long-Range Goal: To assist the Division in continuing to effectively meet its responsibility in the rapidly changing and dynamic context of environmental law and other areas assigned.

Major Objectives:

- To provide accurate and timely responses to all requests for comment on legislative proposals.
- To provide appropriate and competent input to the legislative process including preparation of testimony for Department witnesses and proposals for the Administration's program.
- To monitor and report to the Division on legislation activity related to its programs.
- To develop accurate and timely responses to all Congressional referrals and inquiries.
- To respond appropriately to policy initiatives of the Assistant Attorney General, the Justice Management Division, and the Attorney General.
- To perform policy studies, review, analysis, evaluation, planning, and implementation where required and in conjunction with the Administrative Services program where appropriate.
- To process all requests for legislative jurisdiction and provide counsel in this area.
- To review the Department's compliance with:
 - a. Floodplains and Wetlands Regulations
 - b. National Environmental Policy Act Regulations
 - c. Historic Preservation Regulations

To represent and provide adequate staff support for the Department or Attorney General on:

- a. the Water Resources Council
- b. the National Trust for Historic Preservation
- c. the Advisory Council on Historic Preservation
- d. other bodies, or task forces established from time-to-time.

To process all requests and insure compliance with the law for:

- a. the Freedom of Information Act
- b. the Privacy Act

To counsel program agencies and litigate novel problems.

To process requests for assistance and monitor environmental litigation of states and local governments.

To develop new litigation approaches or programs when needed.

To initiate independent litigation to protect federal interest where necessary.

To investigate and litigate citizen environmental complaints where appropriate.

Base Program Description: The main purpose of the Policy, Legislation, and Special Litigation program, (PLSL) is to improve the legal services provided by the Division to its client agencies by developing innovative litigation to solve problems which have not been previously confronted. The new Hazardous Waste and Wildlife programs resulted from the development of litigation strategies by attorneys in PLSL.

The policy formulation functions of the PLSL sections involve two categories of planning. The first is oriented toward traditional management functions and is shared with the Administrative Services Program. This responsibility includes ensuring legal policy articulated by the Assistant Attorney General for the Division, the Attorney General, the Office of Management and Budget, Congress or the President, is incorporated in the Division's budget submissions. In addition PLSL, in conjunction with the Administrative Services Program, evaluates and makes recommendations on personnel resource allocations. For example, the program conducted a comprehensive study of the workload and personnel requirements of the Indian Claims Section. The second category of planning involves the analysis of issues that fall within the Division's litigation jurisdiction. The Administration's policy on the "Superfund" approach to pay for cleaning up hazardous waste sites and massive oil spills was premised on a study developed by an interdepartmental task force chaired by a PLSL attorney.

The program is responsible for the legislative program of the Division including coordination and preparation of reports on proposed legislation and responses to requests from Congressional committees and members of Congress for information or assistance. In cooperation with the Office of Legislative Affairs, PLSL also drafts legislation designed to implement the Administration's environmental policy, such as the revised Criminal Code provisions on environmental crimes.

In addition, the PLSL program:

- processes Freedom of Information and Privacy Act requests;
- represents the Attorney General at meetings of the Advisory Council on Historic Preservation and the Water Resources Council;
- participates in interdepartmental projects involving the formulation of policy and legislative initiatives.

Accomplishments and Workload: Accomplishments of the Policy Legislation and Special Litigation program are presented in the following table:

	1979	1980	1981	1982
			Estimates	
Policy matters				
Opened.....	43	45	40	45
Closed.....	21	37	45	50
Pending, end-of-year....	22	30	25	20
FOIA/PA matters				
Opened.....	73	121	130	141
Closed.....	68	110	115	120
Pending, end-of-year....	5	16	31	52
Citizen matters				
Opened.....	339	223	215	210
Closed.....	300	227	219	219
Pending, end-of-year....	39	35	31	22
Legislative reports				
Opened.....	297	317	350	350
Closed.....	270	312	330	330
Pending, end-of-year....	27	32	52	72
Congressional requests				
Opened.....	149	134	155	150
Closed.....	137	140	149	149
Pending, end-of-year....	12	6	12	13
Litigation matters				
Opened.....	60	30	48	55
Closed.....	0	55*	45	45
Pending, end-of-year....	60	35	38	48

*Includes 46 matters closed in the first quarter due to the creation of the Hazardous Waste Section. That section now carries the responsibility of litigating the cases begun by this program.

The above table reflects progress that has been achieved by the Policy, Legislation and Special Litigation program. As a new program in 1979, the program took time to become fully staffed and productive. Resources are now adequate to enable the program to accomplish most of its major objectives.

The PLSL program is making significant progress in achieving its major objectives. The unit has favorably impacted on operations of the Division by centralizing responsibility for policy planning, legislation, and special litigation in one unit. This consolidation of responsibility provides centralized contact in these areas for other units in this Division, field offices, other divisions and client agencies. Additionally, the benefits include direct and immediate integration of the impacts of new legislation on policy and resource allocation.

In 1979, this program's activities resulted in the Division creating two new decision units for hazardous waste and wildlife. Federal enforcement in each area was lacking in spite of the significant problems which existed prior to the areas being investigated as policy planning studies of PLSL. That work led to special litigation projects and substantial legislative efforts before the new units came into existence at the beginning of 1980. Under PLSL, approximately 50 hazardous waste matters and 1,140 wildlife matters were under investigation throughout the Department prior to the transfer of responsibility. Although a number of other special litigation projects were conducted during 1979, the overwhelming majority of effort was allocated to these two areas of concern.

Another example of a major policy planning and legislative effort of this program began with the 300 page report entitled, "The Superfund Concept: Report of the Interagency Task Force on Compensation and Liability for Releases of Hazardous Substances." A PLSL attorney chaired the task force of representatives of Council on Environmental Quality (CEQ), OMB, EPA, and the Departments of State, Transportation, Interior, and Commerce. PLSL's staff support to the task force and follow-up work has played a major role in support of the Administration's Superfund legislation which is now pending in Congress.

The program has also expended considerable effort in support of Congressional proposals in the context of the Criminal Code Amendments and Resource Conservation and Recovery Act Amendments to insure that sufficient penalties are enacted to serve as deterrents to those who would criminally violate environmental laws. The Senate Judiciary Committee approved proposals along these lines in December 1979, with further action now pending in Congress.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount
Hazardous Waste.....	34	33	\$1,619	34	33	\$1,674	42	39	\$2,035	8	6	\$361

Long-Range Goal: To successfully conduct litigation and negotiations necessary to achieve the levels of hazardous waste and radiation control throughout the nation which are mandated by Congress, to promote the protection of health and the environment from hazardous wastes, and to take actions with regard to persons who owned, operated or controlled uranium mill tailings sites as appropriate.

Major Objectives:

- To implement a successful enforcement program to clean up existing hazardous waste dump and storage sites.
- To successfully defend regulations on the handling, storage, treatment, transportation and disposal of hazardous wastes established in rules and permits issued under the Resource Conservation and Recovery Act (RCRA).
- To successfully bring civil or criminal enforcement actions against those who have subjected themselves to the RCRA program but are not strictly complying with requirements and permits.
- To successfully bring actions under the Uranium Mill Tailings Radiation Control Act.
- To create a capability for and an atmosphere conducive to negotiated settlement of disputes where such an approach can provide swifter and more certain relief.

Base Program Description: In close cooperation with the Environmental Protection Agency, this program is responsible for developing an aggressive and effective litigation capability to deal with hazardous waste disposal problems, particularly those hazardous waste sites which threaten the public's health, and litigation to abate general radiation hazards from mill tailings.

This program has formulated and established a system of case development that involves our early participation in decisions regarding facts needed to file and litigate the case, and management of the acquisition of those proofs. This system reduces delays in filing and improves the quality of cases. It also stresses participation between the section's and EPA's staffs, which improves communications and enhances client relations. The effectiveness of the system is assured by frequent case development sessions at EPA regional offices and by training sessions given to EPA personnel.

Authority for this program is founded primarily on the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., and the Uranium Mill Tailings Radiation Control Act. Where appropriate, other federal statutes, including the Clean Water Act, the Toxic Substances Control Act, the Safe Drinking Water Act and the Refuse Act of 1899, are also relied on. In addition, legal authority is also based on Federal common law of nuisance.

The Section is defending challenges to regulations under the Resource Conservation and Recovery Act that establish the initial phase of a comprehensive program to regulate solid and hazardous wastes. The first group of cases present challenges to regulations regarding solid waste plans prepared by states which will require disposal of garbage in sanitary landfills and prohibit open dumps. The second group of cases involve the hazardous waste management program, including lengthy regulations which identify those wastes which are hazardous, identify requirements applicable to generators and transporters of wastes, establish interim standards applicable to active disposal facilities before a permit is issued, establish federal permit requirements and procedures, and establish requirements which a state must meet to assume the permit program. There are 45 petitions challenging the hazardous waste management regulations; this will be one of the largest cases challenging agency action in the District of Columbia Circuit.

Accomplishments and Workload: The accomplishments of the Hazardous Waste program are presented in the following table.

Item	Estimates	
	1980	1982
Cases and matters received.....	272	274
Cases and matters closed.....	52	31
Cases and matters pending, end-of-year.....	220	373

In its first year the section, with the EPA, had 162 sites under investigation and brought the number of hazardous waste cases filed to 51. The cases were largely brought under statutory provisions authorizing actions where there is an endangerment to health or the environment. Because there were no effective regulations governing treatment, storage and disposal of hazardous wastes, a broad range of inquiries is involved in each case. The actions address a variety of problems such as groundwater contamination, stream pollution, fires that emit toxic fumes and explosions, airborne contamination involving pesticide wastes and asbestos, and physical contact. Some of the cases involve nationally known tragedies such as the action against Hooker Chemicals involving Love Canal.

Significant results have been obtained in court orders and opinions and by consent decrees. In United States v. Vertac Chemical Corp., 489 F. Supp. 870 (E.D. Ark.), which involves migration of toxic herbicide production wastes into a stream, the court ruled that the term endanger in the statutory provisions means that harm need only be threatened rather than actually occurring. Moreover the court held that a preliminary injunction may be issued in the absence of proof of actual injury. The court ordered the closing of disposal areas, construction of underground cutoff walls to contain buried wastes, replacement of an earthen wastewater treatment basin and monitoring. Vertac did not fully comply with the court's directive regarding the basin. On the government's motion, the court directed Vertac to take specific steps in replacing the basin.

In United States v. Solvents Recovery Services, 14 E.R.C. 2010 (D.Conn.), which concerns groundwater pollution from disposal lagoons, the court rejected arguments that attempted to limit the applicability of the endangerment provision in the Resource Conservation and Recovery Act. The court held that the federal common law of nuisance governs in an action under the endangerment provision of the Resource Conservation and Recovery Act; there need not be interstate effects of groundwater pollution; the acts of disposal which gave rise to the condition need not continue to the date of filing; the Act is not impermissibly retroactive; and relief is not limited to restraining of ongoing conduct.

Clean up of hazardous waste sites is being obtained in several cases under consent decrees. Pursuant to the terms of the decree in United States v. Northeastern Pharmaceutical, and Chemical Co. (W.S.Mo.) co-defendant Syntex Apribusiness, which is the corporate successor to the lessor of the plant that generated the wastes, is removing a substantial quantity of dioxin from a disposal site on a nearby farm. Dioxin is one of the most toxic chemicals known. Other consent decrees, such as in United States v. W.R. Grace Chemical Co. (D. Mass.) and in United States

v. Automated Industrial Disposal and Salvage Co. (E.D.Tenn.) require the defendant to prepare a plan of study to determine the extent of contamination. To prepare a report on contamination and a remedial plan to abate the contamination and to implement remedial measures. The assignment of investigatory and analytical work to the polluter is an important aspect of the government's approach.

The Section also provided substantial input into legislative efforts involving the Solid Waste Disposal Act Amendments of 1980 and superfund bills.

Program Changes: The 1982 request for this program includes resources for eight new positions and \$361,000. These resources would provide for adequate defensive work in the hazardous waste area. This increase would also allow for the continuation of litigating enforcement cases to clean up existing sites and other types of enforcement cases such as the civil enforcement of interim disposal requirements and permits and criminal enforcement against those involved in the unauthorized disposal of toxics.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.
Wildlife.....	12	10	\$522	12	10	\$541	12	10	\$541	...	...

Long-Range Goal: To reduce the international trade in wildlife and plants by prosecuting, supporting and coordinating the prosecution of criminal violators of United States' wildlife and Customs laws, and provide quality representation in defending federal agencies in civil wildlife cases.

Major Objectives:

To improve enforcement of laws relating to trade in wildlife and plants.

To establish Interagency Investigative task forces under DOJ leadership in each major United States port of entry.

To investigate and coordinate investigations, and successfully prosecute major commercial dealers who are illegally trafficking in wildlife or plants.

To supply quality representation to client agencies and litigative support necessary to administer and defend the administration of civil programs affecting wildlife and plants.

To revise and improve wildlife forfeiture procedures.

Base Program Description: The purpose of this program is to support and coordinate the prosecution and defense of civil and criminal cases, matters and proceedings arising under federal wildlife laws, including the Endangered Species Act, 16 U.S.C. 1531-1534; the Lacey Act, 18 U.S.C. 41-44, 47; the Migratory Bird Acts, 16 U.S.C. 701 et seq.; the Airborne Hunting Act, 16 U.S.C. 7421-1; the Bald and Golden Eagle Protection Acts, 16 U.S.C. 688 688a; and portions of the Marine Mammal Protection Act, 16 U.S.C. 1372(b)-(e), 1375.

It is the responsibility of this program to improve the enforcement of laws relating to trade in wildlife and plants. The illegal importation of wildlife into the United States is endangering the nation's poultry industry with multimillion dollar losses from Newcastle's disease, an exotic disease transmitted by certain imported birds. In addition, the illegal trade in wildlife and plants threatens the survival of numerous species. The principal client agencies concerned with this program are the Fish and Wildlife Service, the Customs Service, the Coast Guard and the Department of Agriculture and Commerce.

Accomplishments and workload: The accomplishments of the Wildlife program in 1980 are presented in the following table:

Item	Estimates	
	1981	1982
Investigative matters received		
Import cases.....	120	150
Investigative matters completed		
Import cases.....	50	110
Import cases presented for prosecution.....	45	90
Import cases indicted.....	42	80
Other criminal matters presented.....	435	400
Other criminal matters resolved.....	430	390
Cases resulting in convictions.....	38	72
Civil matters received.....	150	115
Civil matters resolved.....	130	100

Prior to the establishment of the Section on October 1, 1979, the agencies with investigative responsibility in the wildlife area and the Department of Justice lacked sufficient expertise to enable them to effectively enforce the laws which are designed to prevent illegal wildlife importation. Moreover, four separate agencies have jurisdiction over wildlife problems and they rarely worked together. Prior to 1979, their energies were dissipated over very minor cases. In 1978 the average fine in a wildlife case was only \$40.

The Section was established to deal with these problems. After its establishment, the Section immediately took the lead in establishing ten wildlife enforcement task forces consisting of investigative agents from four agencies: the Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS), the United States Customs Service, and the Department of Agriculture. Under the guidance of the Section, and based on groundwork which the Division had laid in the year prior to its establishment, the task forces and individual agency actions quickly shifted attention

to major illegal activity. In its first year, the Section brought or supervised 40 major indictments and began 90 more investigations which are still continuing. Not counting concurrent or suspended sentences in the same case, courts imposed 15 jail sentences of from six months to three years. In another seven to ten cases, jail sentences of from one to six months have been given. Fines are also becoming more substantial, totaling thousands or tens of thousands of dollars in most cases.

When the Section was established, there was very little expertise in the Department of Justice with the types of factual argument that Justice lawyers usually have to make in civil wildlife cases. These cases have included cases where environmental groups have sued the federal government attacking the traditional reliance of the federal government on state wildlife programs, and cases where environmentalists have sued to stop dam and highway projects and off-shore oil drilling. Where our client agencies have found that a project would harm a species or that a species should be listed as protected, and where they have been sued for that decision, the Section has defended those activities. In every case, successful defense requires a full understanding of wildlife laws and an ability to adequately develop complex facts relating to wildlife's role in the environment. Over the past year, Section attorneys have developed increasing expertise in these areas, and have had great success in defending all the agency decisions with which the Section has been involved.

1981 Appropriation				1982 Base				1982 Estimate				Increase/Decrease			
Anticipated				Perm.				Perm.				Perm.			
Pos.	NY	Amount		Pos.	NY	Amount		Pos.	NY	Amount		Pos.	NY	Amount	
Executive Direction and Control.....	7	8	\$499	7	8	\$509		7	8	\$509		...	...	...

Long-Range Goal: To provide efficient and effective management of the Division while supporting the program priorities of the President, Congress and the Attorney General in the environmental, energy conservation and resource protection areas by vigorously pursuing criminal and civil enforcement actions which will serve as a deterrent to future violators of environmental laws.

Major Objectives:

- To develop further program initiatives, as required, and respond to the Administration's policy needs, such as in the energy area.
- To maximize litigation support of program agencies' enforcement programs.
- To maximize excellence of litigation defense of agency programs in the natural resource and environmental protection area.
- To reduce land condemnation backlog and place land acquisition on a current basis.

To liquidate the Indian Claims backlog.

To develop program planning for all program units of the Division, where feasible.

To implement program unit accountability for fiscal matters.

To expand the utilization of word processing equipment and improve productivity and efficiency.

To implement Division-wide use of automated litigation management and support systems in order to refine program plans and monitor and evaluate program performance.

To establish a sound, cost effective energy conservation litigation program.

Base Program Description: The purpose of this program is to initiate and administer policies, regulation and procedures which are designed to satisfy the requirements of the laws and programs relating to the Land and Natural Resources Division. The major functions include policy development and implementation and management direction and control of legal programs.

Accomplishments and Workload: The workload for this Division is coordinating many complex cases which involve close cooperation between the client agencies, the U.S. Attorneys offices and this Division. Improved coordination and assistance has been experienced among the participating groups. Greater client agency satisfaction with the litigation support services provided by this program has been reported.

Because of the many diverse and complex problems handled by this Division, several new program initiatives have been established. These are a Hazardous Waste Section, including a Radiation Hazardous Waste Unit; a Wildlife Section; an Environmental Enforcement Section (designed, principally to enforce the Clean Air and Water Acts); an Energy Section; and the Environmental Initiatives Unit within the Division's PLSL Section. These new initiatives will confront legal problems not previously consolidated in this Division but are necessary to carry out its mission.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease					
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.				
Administrative Services	36	20	\$2,602	36	20	\$2,869	44	26	\$4,627	8	6	\$1,758

Long-Range Goal: To provide the Division with the modern administrative and management systems and support services required to operate effectively and efficiently, accomplish its mission, and discharge its responsibilities.

Major Objectives:

- To develop systems for improved fiscal planning and accountability at the program and section level.
- To determine and implement the Division's long-range resource requirements for litigation support.
- To establish a management systems review function in conjunction with the Policy, Legislation and Special Litigation (PLSL) decision unit.
- To prepare an updated administrative procedures manual.
- To develop user training for automated litigation support, word processing, and administrative systems.
- To continue to evaluate and improve the Division's word processing systems to insure optimum staff utilization.
- To automate selected administrative records and systems to generate management information.
- To complete the implementation of the Civil Service Reform Act in the Division and then to inventory and identify management, attorney, technical, and clerical training needs and initiate a systematic process of schedule participation in conjunction with DOJ training resources.
- To assist the PLSL program in resources allocation studies and planning.
- To evaluate the use of paralegals and specialists in conjunction with the PLSL program.
- To develop analytical data base for resource needs and allocation of decision making in conjunction with the PLSL program.

Base Program Description: This program provides specialized, professional responses to a full range of administrative needs to all Division programs including programs for budget formulation and execution, equal employment opportunity, procurement, personnel and payroll, administrative records and mail, and the development of litigation support and management information systems. This program in cooperation with the Policy, Legislation and Special Litigation (PLSL) program, ensures that legal policy articulated by the Assistant Attorney General for the Division, the Attorney General, the Office of Management and Budget, Congress, or the President, is incorporated in the Division's budget submissions. In addition this program, in conjunction with PLSL, evaluates and makes recommendations on personnel resource allocations. This program provides the administrative and support functions which allow the attorney's time to be wholly utilized for legal functions.

Accomplishments and Workload: The Division's rapid growth in workload resulted in the determination of its resource needs and the subsequent (program personnel) growth during 1979 and 1980. This program provided professional financial management, systems, administrative, and analytical support services in response to that rapid growth in workload and the excess work of the subsequent program increases.

One of this program's major accomplishments has been the initiation and implementation of the Division's computerized docket tracking case management system. The system is currently being implemented through the Division and will provide statistical control information vital to the management process including attorney time by case, feedback to managers on the accuracy of case weights, and the handling of case prioritization. The data obtained through this system will aid in developing models and schedules by case type and weight, developing performance measures for program evaluation, performing trend analysis of case costs to determine changing resource requirements, and developing an effective system for program planning and resource allocation. The entire system is expected to be converted from the present manual systems by the end of the first quarter for FY 1981, with further development of the data base following.

Litigation support services for cases requiring large document indexing, financial analysis, and transcript search has been instituted. This capability is crucial for the successful litigation of major Division cases, particularly those involving toxic and hazardous wastes, energy, pollution control, and radiation hazards.

Additional word processing capacity has been installed Division-wide, enabling the Division to better meet its communications needs.

Program Changes: The requested increase of eight positions and \$1,758,000 would provide the requisite administrative support principally for the existing Division programs and secondarily for the positions currently requested in the litigating sections of the Division; upgrade the budget, program analysis and evaluation capabilities of the Division; continue to upgrade the professional staff capability of the Administrative Section; design, develop and implement a training program for all personnel in the Division; and provide the adequate depth of management and professional resources to properly supervise and develop the full range of administrative support programs currently required by the litigating sections.

The requested increase for ADP resources, specifically litigation support, will allow the Division to enhance the capabilities already developed. Resources will be available to permit the long range planning and systems development necessary to handle the large litigation support requirements of cases opened during 1980. These large cases are principally in the areas of litigation in hazardous wastes, enforcement and the environmental enforcement program involving pollution control statutes.

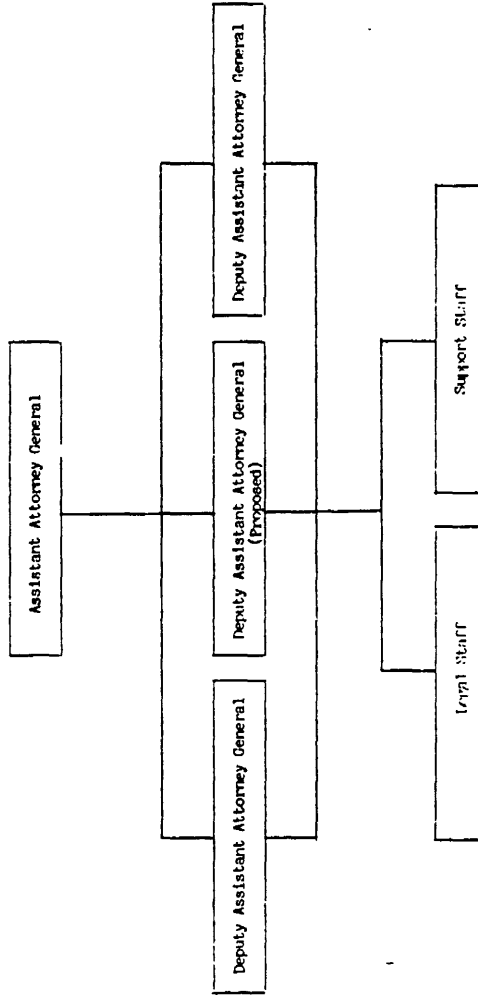
Land and Natural Resources Division
Priority Ranking of Programs

Ranking of Base Programs		Ranking of Program Increases	
Ranking	Program	Ranking	Program
1	ENVIRONMENTAL PROTECTION	1	ENVIRONMENTAL PROTECTION
2	HAZARDOUS WASTE	2	HAZARDOUS WASTE
3	POLICY, LEGISLATION AND SPECIAL LITIGATION	3	ADMINISTRATIVE SERVICES
4	WILDLIFE		
5	ADMINISTRATIVE SERVICES		
6	LAND ACQUISITION		
7	GENERAL LITIGATION		
8	MARINE RESOURCES		
9	FEDERAL APPELLATE		
10	INDIAN RESOURCES		
11	EXECUTIVE DIRECTION AND CONTROL		
12	INDIAN CLAIMS		

Land and Natural Resources Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Increases
(Dollars in thousands)

Item	Environmental Protection		Hazardous Waste		Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS/OH-15.....	4	\$178	6	\$267	2	\$89	12	\$534
GS-11.....	...	...	...	...	2	76	2	76
GS-9.....	2	30	2	30	2	30	6	90
GS-5.....	...	...	...	...	2	27	2	27
Total positions and annual rate.....	6	208	8	297	8	222	22	727
Lapse (-).....	-2	-52	-2	-14	-2	-55	-6	-181
Special Service Payments.....	...	9	...	14	...	...	...	23
Total workyears and personnel compensation.....	4	165	6	237	6	167	16	569
Personnel benefits.....	...	15	...	22	...	16	...	53
Travel and transportation of persons.....	...	30	...	45	...	30	...	105
Transportation of things.....	...	1	...	1	...	...	...	2
Standard Level User Charge.....	...	6	...	12	...	12	...	30
Communications, utilities and other rent.....	...	10	...	11	...	12	...	33
Printing.....	...	5	...	6	...	6	...	17
Other Services.....	...	11	...	15	...	1,503	...	1,529
Supplies and materials.....	...	3	...	4	...	4	...	11
Equipment.....	...	6	...	8	...	8	...	22
Total workyears and obligations, 1982.....	4	252	6	361	6	1,758	16	2,371

ORGANIZATION CHART
OFFICE OF LEGAL COUNSEL



Office of Legal Counsel
Salaries and expenses, General Legal Activities
Justification of Program and Performance

Activity Resource Summary

Activity: Legal Opinions	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Legal Opinions	37	\$1,746	37	\$1,793	37	\$1,793	...	...

This budget activity includes resources for the primary mission of the Office of Legal Counsel (OLC). Funds requested for this activity support personnel involved with the preparation of the Opinions of the Attorney General and other OLC opinions on a variety of significant and complex constitutional, statutory and other legal questions involving the operation of the Executive Branch.

Long-Range Goal: To meet the steadily increasing number of requests for opinions from offices within the Department and from Executive Branch agencies, and to maintain the quality and timeliness of OLC opinions. The Office of Legal Counsel maintains a staff versatile enough to undertake any project the Attorney General assigns.

Major Objectives:

To increase by 5 to 10 percent each year the number of formal and informal opinions rendered both within the Department and to other Executive Branch agencies and by providing independent, timely and quality legal advice for the Executive Branch.

To complete the process of making all Office of Legal Counsel opinions available for ready retrieval through the use of the Department's JURIS computer system.

To continue the practice, begun in 1977, of making publicly available in published form those Office of Legal Counsel opinions that are of general public interest.

Base Program Description: The principal function of the Office of Legal Counsel is to assist the Attorney General in his function as legal adviser to the President and Executive Branch agencies.

Requests for services are received from a variety of sources, including the President, the White House staff, the Attorney General, heads of other executive departments, and other Department of Justice officials. Responses are prepared by a staff attorney or

team of attorneys and issued as formal or informal legal opinions by the Assistant Attorney General or one of the Deputy Assistant Attorneys General.

Under Executive Order 11090, all proposed Executive orders and proclamations must be approved by the Attorney General as to form and legality before submission to the President for his signature; this responsibility is performed by the Office of Legal Counsel.

On a continuing basis, OLC provides advice and assistance to virtually all executive agencies. The Office interprets the conflict of interest laws as applied to individuals in the Executive Branch. The Office serves as the Attorney General's staff in the preparation of Department regulations and orders.

OLC frequently prepares reports on proposed legislation, submitted to the Department for comment, which raises either constitutional or complex legal issues, and provides advice to the Office of Management and Budget on enacted bills which have been presented to the President. The Assistant Attorney General, his deputies and members of his staff testify before Congressional committees on a variety of legislative matters, particularly those involving questions of constitutional law. The Office also prepares testimony for the Attorney General or other Department officials in matters within its special expertise.

The Office furnishes legal assistance to other components of the Department of Justice both in the context of ongoing litigation and prior to the commencement of litigation. Representatives of the Office are also called upon regularly to serve on various experimental task forces and study groups. It often assists in the drafting of proposed legislation, both within the Department and in conjunction with other agencies. It also participates in interagency committees, such as the Interagency Information Security Committee. A member of the staff has provided substantial assistance to the President's Personal Representative for Micronesian Status Negotiations in connection with the arrangement of a new status for the Northern Mariana Islands and the remainder of the Trust Territory of the Pacific Islands.

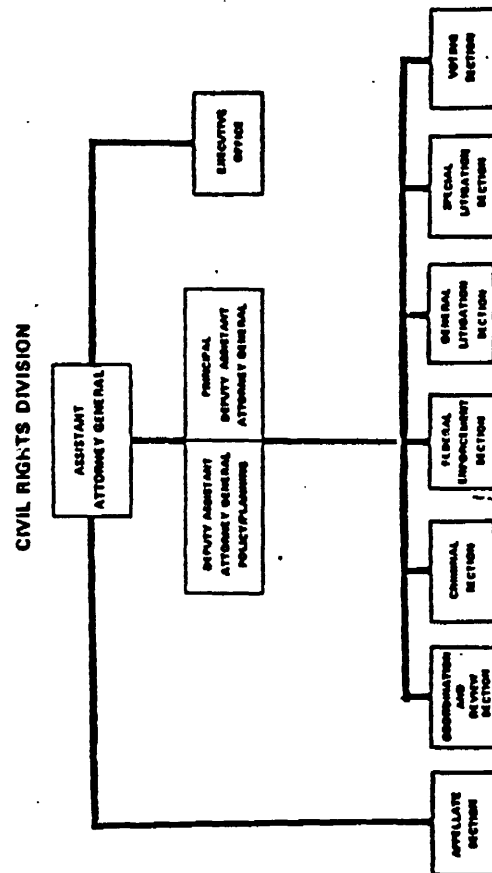
Accomplishments and Workload: Accomplishments of the Office of Legal Counsel are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Executive orders and proclamations	150	155	155 155
Opinions	444	484	500 500
Intradepartmental opinions	810	891	900 900
Special assignments	2,700	2,750	2,750 2,750

The number of opinions rendered by OLC has continued to increase. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of interest to the Department and the Administration.

OLC has assisted in the drafting of legislation, and in providing legal advice, regarding the increase in Cuban and Haitian refugees. It has provided advice on the legal issues and presidential authority relating to the current hostage crisis in Iran and, as in the past, has continued to provide counseling with regard to encroachment by Congress on the constitutional prerogatives of the President. OLC also drafted for the Attorney General an opinion issued April 25, 1980, addressing legal issues raised by the lapse of appropriations for federal agencies and is currently considering additional legal issues not addressed in the April 25, 1980 Attorney General's opinion.

OLC has also participated in drafting open trial guidelines and in submitting proposed legislation with respect to unauthorized disclosure of certain classified information. OLC has cooperated with the Civil Division in reviewing a number of issues regarding the representation of government employees. The Office has continued to publish noteworthy opinions, has completed the process of establishing a JURIS-related retrieval system to aid OLC attorneys in conducting research, and has greatly improved its word processing capability.



Civil Rights Division
Salaries and expenses, General Legal Activities

Grosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation Actions on 1981 Request		Reprogramming		1981 Supplementals Requested		1981 Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Civil Rights Matters										
Federal appellate activity.	33	\$1,295	...	...	-1	-1	...	...	32	\$1,324
Civil rights prosecution...	41	1,467	-4	-3	3	2	...	...	40	1,519
Special litigation.....	31	1,256	...	...	2	2	...	...	33	1,414
Indian rights.....	12	371	...	...	-12	-11	...	...	...	...
Voting.....	50	49	...	...	4	4	...	...	...	...
General litigation.....	84	1,508	...	...	...	...	...	...	54	1,721
Federal enforcement.....	81	2,177	...	...	...	...	...	...	84	2,915
Conviction and review....	76	72	...	...	...	...	...	...	75	72
Executive direction and control.....	46	1,840	-14	-10	-1	...	...	...	35	34
Administrative services....	31	1,299	...	...	-1	-1	...	...	30	1,322
Total.....	50	58	...	...	3	3	...	...	53	61
		2,633		-38		105		700		2,867
	454	445	16,844	-18	-13	-879	...	...	436	432
										16,665

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogramming

1. The reprogramming of the 12 positions and budget authority associated with the Indian Rights Program reflects the permanent effect of the January 1981 reprogramming notification.
2. Additional reprogramming of positions and budget authority reflects changes made which do not involve more than 10% or \$150,000 of a program's resources and therefore does not require reprogramming notification.

Supplementals Requested

The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981).

Civil Rights Division
Salaries and expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

Adjustments to base and built-in changes

	Perm. Pos.	Work- years	Amount
1981 as enacted.....	436	432	\$15,965
1981 Pay supplemental requested.....			700
1981 appropriation anticipated.....	436	432	\$16,665
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	300
Within-grade increases.....	...	...	122
Retirement contribution - Social Security (FICA).....	...	...	27
Health benefits costs.....	...	...	69
Standard level user charge (SLUC).....	...	...	9
GSA recurring reimbursable services.....	...	...	31
Federal Telecommunications System (FIS).....	...	...	147
Travel costs - airfare increases.....	...	...	2
GPO printing costs.....	...	...	5
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	17
Departmental printing and reproduction costs.....	...	...	210
General pricing level adjustment.....	...	...	940
Total, uncontrollable increases.....	436	432	\$17,605
1982 base.....			

	1980 Enacted	1980 Actual	1981 Appropriation Anticipated	1982 Base	1982 Estimate	Increase/Decrease
	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.
Estimates by budget activity	436	432	436	436	436	436
Civil rights matters.....	427	408	436	432	445	9
	\$15,145	\$11,868	\$16,665	\$17,605	\$18,279	\$2,614

Civil Rights Division
Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Exhibits by Program	1980 Enacted			1980 Actual			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Form.	Pos.	WY	Form.	Pos.	WY	Form.	Pos.	WY	Form.	Pos.	WY	Form.	Pos.	WY	Form.	Pos.	WY
Civil Rights Matters:																		
Federal appellate activity.....	33	31	\$1,249	33	30	\$1,227	32	31	\$1,324	32	31	\$1,383	32	31	\$1,383	...	...	...
Civil rights prosecution.....	37	36	1,352	37	36	1,328	40	38	1,319	40	38	1,609	40	38	1,609	...	...	...
Special litigation.....	31	30	1,231	31	33	1,209	33	32	1,414	33	32	1,461	36	35	1,857	...	...	...
Indian affairs.....	12	11	365	12	12	358	...	...	...	...	...	...	...	...	...	...	...	...
Voting.....	50	49	1,522	50	48	1,494	54	53	1,721	54	53	1,799	60	56	2,315	...	...	...
General litigation.....	84	80	2,576	82	73	2,529	84	81	2,915	84	81	3,101	75	72	2,814	...	...	...
Federal enforcement.....	76	72	2,489	74	67	2,443	75	72	2,812	75	72	2,986	66	63	2,692	...	...	...
Constitution and review.....	32	30	979	32	28	960	35	34	1,171	35	34	1,234	53	50	2,063	...	...	...
Executive direction and control.....	31	31	1,176	31	31	1,154	30	30	1,322	30	30	1,471	30	30	1,671	...	...	...
Administrative services.....	50	57	2,206	50	48	2,166	53	61	2,467	53	61	2,561	53	61	3,875	...	...	...
Total.....	436	427	15,145	432	408	14,868	436	432	16,665	436	432	17,605	445	446	20,279	9	14	2,674
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	430	411		411			435			435			449			14		

Civil Rights Division

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary

Activity: Civil Rights Matters	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal Appellate Activity . . .	32	31	\$1,324	32	31	\$1,383	32	31	\$1,383	...	...	...
Civil Rights Prosecution . . .	40	38	1,519	40	38	1,609	40	38	1,609	...	...	...
Special Litigation . . .	33	32	1,414	33	32	1,461	36	35	1,857	3	3	\$396
Voting . . .	54	53	1,721	54	53	1,799	60	66	2,315	6	13	516
General Litigation . . .	84	81	2,915	84	81	2,101	75	72	2,814	-9	-9	-287
Federal Enforcement . . .	75	72	2,812	75	72	2,986	66	63	2,692	-9	-9	-294
Coordination and Review . . .	35	34	1,171	35	34	1,234	53	50	2,063	18	16	829
Executive Direction and Control . .	30	30	1,322	30	30	1,471	30	30	1,671	...	...	200
Administrative Services . . .	53	61	2,467	53	61	2,561	53	61	3,975	...	...	1,414
Total . . .	436	432	16,685	436	432	17,605	445	446	20,279	9	14	2,674

This budget activity consists of resources designed to accomplish the mission of the Civil Rights Division. The Division is responsible for the enforcement of all laws and Executive Orders prohibiting discrimination on account of race, color, national origin, sex, age, handicap or religion. The Attorney General has also been delegated responsibility to administer the special provisions of the Voting Rights Act of 1965, as amended in 1970 and 1975, including under Section 5, the pre-clearance of all changes affecting voting in covered jurisdictions; to litigate sex discrimination cases referred under Title IX of the Education Amendments of 1972; and, cases involving discrimination by federal contractors referred by the Department of Labor. The Division's delegation of the Attorney General's responsibilities to coordinate and enforce Title VI of the Civil Rights Act of 1964 by all federal program agencies, was recently enhanced significantly by Executive Order 12250, signed November 2, 1980. The new Executive Order increased the Division's coordination authority under Title VI, and also delegated coordination authority for Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, as amended. In addition, the Congress recently enacted the Civil Rights for Institutionalized Persons Bill which authorizes the Attorney General to bring litigation against unconstitutionally operated state and local institutions. Funds and positions requested for this activity support programs which have been recently assigned additional responsibilities, anticipate a significant increase in activity (i.e., voting), and those which are designed to enhance the Division's overall productivity (e.g., litigation management and case support, Special Litigation Counsel).

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Federal Appellate Activity . . .	32	31	\$1,324	32	31	\$1,363	32	31	\$1,383	...	...	...

Long-Range Goal: To reduce the incidence of unlawful denials of civil and constitutional rights.

Major Objectives:

To try all appellate level litigation in the civil rights area, rather than to have such cases handled by the trial level enforcement programs.

To file, on a selective basis, appellate level cases initiated by the government.

To serve as a friend of the court in appellate cases which have a substantial impact on federal civil rights enforcement.

To provide legal counsel to government departments and agencies with respect to their affirmative action programs and non-discrimination requirements.

To seek, through legislative enactment, improvements in federal civil rights laws.

To comment on the legislative proposals of others.

To provide legal counsel and research assistance to other enforcement activities of the Department.

Base Program Description: Once a litigative program has obtained a district court judgment, the case may be reviewed in the Courts of Appeals or the Supreme Court. This program handles or supervises the handling of all appeals from both favorable and adverse judgments in which the government participated. A favorable district court decision is meaningless if it is reversed on appeal, and the program needs and resource expenditures of district court litigation demand the ability to appeal adverse decisions. The success of the Division's litigation program depends on this program's effectiveness on appeal.

In addition, since appellate court decisions in private cases may profoundly affect the entire civil rights effort, the program has increased its participation as a friend of the court in appellate cases which raise issues that, when resolved, will have an impact on the scope of the Division's enforcement jurisdiction. In some instances the program participates in the district court in cases in which the other Division components have no responsibility (e.g., the Wilmington 10 habeas corpus proceeding and litigation against the NAACP involving the Port Gibson, Mississippi, secondary boycott).

Upon request, and sometimes on its own initiative, the program provides legal counsel on a wide range of difficult and sensitive issues to the Assistant Attorney General, other federal agencies, U.S. Attorneys, and the litigating programs.

Such counsel involves commenting on draft regulations and the efficacy of program administration, as well as advising on proper litigating strategy. The nature and extent of such involvement, however, is closely related to the adequacy of the program resources.

Program attorneys, on a selective basis, seek amendments to existing legislation, draft new legislation, and comment on the legislative proposals of others in order to ensure that the most effective means of civil rights enforcement is available and uncompromised.

The activities of the program, as a whole, serve to promote a coordinated federal approach to the enforcement of civil and constitutional rights.

The funding levels of other programs in the Division significantly affect this program because its appellate work is based largely upon the caseload of the programs of the Division.

For 1982 no additional resources are requested for this program. At the current level, resources are available to enable the program to meet its objectives in a reasonably effective manner.

Accomplishments and Workload: Accomplishments of this program are set forth below:

Item	Estimates			
	1979	1980	1981	1982
Briefs filed	130	104	136	140
Legal counsel and research assistance provided	34	44	45	45
Legislative comments and testimony	84	86	90	90

Significantly, more than 80 percent of the decisions rendered in cases in the Supreme Court and Courts of Appeals have been in full or partial accord with the Division's contentions.

In Fullilove v. Klutznick, decided on July 2, 1980, the Supreme Court upheld the constitutionality of a provision of the Public Works Employment Act of 1977, setting aside 10 percent of all federal grant monies under this statute for minority contractors. The issue had previously been litigated successfully by the Division through a number of federal appellate courts.

Two significant decisions involving the actions of state governments were handed down in cases in which the Division participated. The Third Circuit held that, with respect to state institutions, a private right of action exists by federal statute for the denial of appropriate habilitation in the least restrictive environment. This case is now under submission after argument before the Supreme Court. The Fourth Circuit, reversing the district court, re-affirmed our authority to bring pattern and practice suits under Title VII against state governments, and that proper Title VII standards must be applied with regard to evidence of discrimination.

The program has also won an important victory in the Second Circuit, where the Court, contrary to the views of several other courts of appeal, concluded that Title IX prohibits sex discrimination in employment practices. Due to the

conflict in circuits, the issue may be considered next term by the Supreme Court. In its legal counsel capacity, the program has assisted the White House, federal agencies, and offices and divisions of the Department of Justice, on issues ranging from the promulgation of affirmative action regulations and the drafting of proposed executive orders to the questions relating to the civil rights of Iranians in the United States.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Civil Rights Prosecution . . .	40	38	\$1,519	40	38	\$1,609	40	38	\$1,609	...	...

Long-Range Goal: To eliminate or significantly reduce police criminal misconduct as well as criminal misconduct of other public officials which violates the civil rights of persons in the United States; eliminate or substantially reduce violent activity by private citizens which interferes with federally protected civil rights on the basis of race, religion, national origin or sex, particularly in the areas of housing, public accommodations, and education; and eliminate or significantly reduce peonage and involuntary servitude violations, particularly those affecting migrant workers in the United States.

Major Objectives:

Expeditionously respond to and cause to be investigated all valid complaints of potential criminal civil rights violations. Present potentially meritorious incidents to grand juries for investigation and, where warranted, for indictment. Try cases in which indictments have been returned.

Review and authorize criminal civil rights prosecutions proposed by the U.S. Attorneys.

Reduce the amount of time required to review and make prosecutive determinations on matters investigated by making decisions not to prosecute within three months of receiving a complaint; bring to trial all meritorious cases within six months of receiving a complaint.

Maintain task forces to deal with widespread criminal civil rights violations in specific urban areas, as well as those affecting specific groups of victims, such as Hispanics, in the southwest and far west.

Evaluate and coordinate federal criminal enforcement of school desegregation matters in major cities.

Base Program Description: The Civil Rights Prosecution program provides the resources necessary to investigate and prosecute violations of federal criminal civil rights statutes. It is authorized to enforce federal statutes, including 18 U.S.C. 241 (conspiracy against rights of citizens), 18 U.S.C. 242 (deprivation of rights under color of law), 18 U.S.C. 245 (interference with federally protected rights), 18 U.S.C. 1581 (peonage), 18 U.S.C. 1584 (involuntary servitude) and 42 U.S.C. 3631 (interference with housing rights). Some thirty additional civil rights criminal statutes not routinely used are also enforced by this program.

The program receives approximately 11,000 complaints and inquiries each year. Of these, about 3,000-3,500 are formally investigated. Line attorneys and paralegals are assigned to review the complaints and investigations and to make recommendations for further action. Approximately 70 matters are presented to grand juries each year for additional investigation or for indictment and approximately 40 cases are tried annually. Increased reliance has been placed on U.S. Attorneys through revision of authorization guidelines for prosecutions of criminal civil rights cases as set forth in the U.S. Attorneys' Manual.

Coordination is required with investigative agencies, primarily the Federal Bureau of Investigation and District Offices of U.S. Attorneys; among other programs of the Civil Rights Division, such as the General Litigation, and Special Litigation programs, which are responsible for litigation of civil matters which occasionally develop into criminal prosecutions; and with the Federal Appellate Activity Program on criminal appeals. Coordination with the FBI is accomplished by daily contact with headquarters personnel and written requests for investigation. Coordination with other programs of the Division is on a case-by-case basis. Coordination with the U.S. Attorneys is accomplished through informal contacts, and by formal letters of authorization to prosecute, in accordance with the provisions of the U.S. Attorneys' Manual.

For 1982 no additional resources are requested for this program. At the current level, resources are available to enable the program to meet its objectives in a reasonably effective manner.

Accomplishments and Workload: Accomplishments of this program are set forth below:

Item	1979	1980	Estimates 1982	
			1981	1982
Cases filed	50	42	44	50
Cases closed	67	33	55	58
Matters received	3,103	3,224	3,500	3,700
Matters terminated	3,023	2,986	3,500	3,550

In 1980, 35 indictments and six informations were filed against 76 defendants. Thirty trials were conducted resulting in the conviction of 29 defendants. Guilty pleas were entered by an additional 31 defendants.

A considerable amount of the program's resources was required to investigate several racial disturbance situations (Miami, Florida; Wrightsville, Georgia; Flint, Michigan; and Chattanooga, Tennessee). Investigation into complaints alleging summary punishment by law enforcement officials continues to account for much of the program's activity, which is carried out in conformity with the Attorney General's guidelines on dual prosecution.

Over 10,000 complaints were received during 1980. A procedure has been initiated to notify each victim, complainant and subject when an investigation involving alleged police misconduct is closed without prosecution. The issuance of these notices will be carried out through the use of automation by the Administrative Services Program.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease							
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount						
Special Litigation	33	32	\$1,414	33	32	\$1,461	36	35	\$1,857	3	3	\$396

Long-Range Goal: To enforce the federal law authorizing the Attorney General to bring action for redress of systemic deprivations of the constitutional and statutory rights of institutionalized persons including mentally and physically handicapped persons of all ages, juveniles, elderly persons who reside in residential facilities, and persons confined to state and local prisons and jails; and to enforce federal laws prohibiting racial discrimination in all public facilities such as state residential hospitals and prisons.

Major Objectives:

To determine through investigations and surveys the conditions of confinement and the level of care and treatment provided to institutionalized persons.

To initiate suits on behalf of institutionalized persons who are confined in state facilities which subject them to flagrant conditions which deprive them of their constitutional and statutory rights.

To initiate civil suits to eradicate racial discrimination in prisons and jails.

To continue participation as plaintiff-intervenor or as amicus curiae in litigation to secure constitutionally acceptable conditions of confinement and treatment of institutionalized populations.

To initiate and participate in litigation which has as its purpose the eradication of discrimination directed against handicapped persons as mandated by Section 504 of the Rehabilitation Act of 1973, as amended.

To ensure compliance with judgments or consent decrees entered in the cases the decision unit has litigated to date.

Base Program Description: Through investigation and reliance on independent surveys, program personnel determine whether conditions of confinement and the levels of care and treatment offered to institutionalized persons violate federal law. Where such investigation indicates systemic deprivation of constitutional or statutory rights by a state or local institution, the program initiates civil suit. When suit has already been initiated by private parties seeking redress for unconstitutional conditions, the program participates as plaintiff-intervenor or amicus curiae in litigation to establish constitutionally acceptable conditions of confinement.

Where investigations indicate that a public facility practices racial discrimination in violation of Title III of the Civil Rights Act of 1964, a civil suit is initiated.

The program initiates and participates in litigation which has as its purpose the eradication of discrimination directed against handicapped persons as mandated by Section 504 of the Rehabilitation Act of 1973, as amended.

The program monitors compliance with judgments or consent decrees previously entered in cases on the docket.

The program presently coordinates its activities with a number of federal organizations which include: the Bureau of Prisons, the Office of Civil Rights, the Rehabilitation Services Administration, and the Bureau of Education for the Handicapped of the Department of Education (ED); the President's Committee on Mental Retardation; the Office of Revenue Sharing of the Department of the Treasury; the Office of Justice Assistance Research and Statistics (OJARS); and the National Center on Child Abuse and Neglect. It also exchanges information with various law reform organizations and the American Bar Association's Commission on the Mentally Disabled.

Accomplishments and Workload: Accomplishments of the program are set forth below:

Item	1979	1980	Estimates	
			1981	1982
Cases commenced	32	9	36	39
Cases closed	22	11	42	47
Matters received	948	1,289	1,000	1,200
Matters terminated	696	574	1,100	1,000

This program continued its litigation efforts on behalf of institutionalized and otherwise handicapped persons. On May 23, 1980, President Carter signed into law the Civil Rights of Institutionalized Persons Act (P.L. 96-247) which authorizes the Attorney General to initiate or intervene in suits where flagrant conditions violate the constitutional or statutory rights of institutionalized persons. These persons include mentally and physically handicapped persons of all ages, elderly persons, juveniles and prison and jail inmates.

The program received favorable decisions in suits concerning the civil rights of inmates in Texas correctional facilities and in the Washington State Penitentiary at Walla-Walla, Washington. It also participated in a lengthy trial in Concord, New Hampshire concerning the rights of the mentally retarded residents of a state residential facility.

The emphasis of the cases handled by this program continues to be placed on securing constitutionally adequate conditions of confinement and appropriate treatment.

Program Changes: Increases of three positions and \$396,000 are requested for 1982 for the Special Litigation Program. These increases are needed to allow the program to enforce P.L. 96-247 and to enhance the travel budget.

To handle the increased activity placed on the program by P.L. 96-247, the program requests an increase of three positions (2 attorneys, 1 paralegal), \$146,000 to fund these positions, and \$100,000 to fund the hiring of expert consultants as required by the statute. In addition to investigative and litigative authority, the new law requires that the Division

provide considerable detailed information to prospective defendants concerning information upon which it relied in developing an investigation and will also require the program to advise of prospective remedies for the found violations pre-suit.

The program presently receives voluminous correspondence from institutionalized persons which must be analyzed and answered. If it is to keep careful records of its activities, as envisioned by the legislation, the program requires that additional resources be devoted to this area. This bill contemplates, as is referenced above, that the program provide to prospective defendants precise recommendations for the correction of violations. However, the program has no experts on retainer for this purpose. Experts must be made available to tour and inspect facilities pre-suit in order to provide the detailed notice required by the legislation. It is estimated that in 1982, this activity will cost approximately \$100,000. Since these activities will be performed before the filing of a suit, the experts' fees and travel expenses cannot be drawn from the Department's Appropriation "Fees and Expenses of Witnesses". In addition, it should be noted that advocate groups for the elderly have played a significant role in securing passage of the law because they believe that it will enable the Division to mount a litigation program geared to the reform of facilities for the chronically ill or aged. However, absent a substantial infusion of additional resources, those expectations will be unfulfilled. The program has set priorities for new litigation to include nursing home work and the increasing number of cases arising under the Rehabilitation Act of 1973, as amended.

The program requests \$150,000 to increase its travel budget. In 1980, the program's ability to travel was severely reduced due to the escalating cost of transportation, subsistence, rental cars and related expenses. This reduction impacted on the litigative program in a number of ways. Attorneys were unable to accompany expert witnesses on tours of facilities under suit. This sometimes hampered their ability to effectively prepare the testimony of such witnesses and to properly counter cross-examination by defense lawyers who were usually present on such tours. Brief hearings and status conferences in some cases were conducted by Assistant U.S. Attorneys. While making every good faith effort, these attorneys were quite unfamiliar with the cases on which they were representing the United States. Fortunately, these substitutions did not adversely affect the program's cases, but there exists a real possibility that such use of lawyers unfamiliar with the subject matters will create problems. In other cases, the amount of discovery which could be completed was cut back. (Such limitations had an effect on the thoroughness of our overall presentation.) These travel cuts may have reduced the thoroughness of the United States' presentation. Lastly, several investigations went unattended during the period. Inquiries into the conditions of confinement at Manhattan State Hospital and Creedmoor Psychiatric Center are cases in point. The lack of travel funding was the only consideration which kept us from moving ahead on these matters. The program expects to encounter the same types of problems in 1981 and 1982 if travel funds are not increased.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Voting	54	53	\$1,721	54	53	\$1,799	60	66	\$2,315	6	13	\$516

Long-Range Goal: To prevent and eliminate systemic barriers to the full participation by racial and language minorities and overseas citizens in the electoral process, and to achieve effective remedies for those citizens in specific instances where their right to vote has been denied or abridged.

Major Objectives:

To prevent, through the Section 5 preclearance program, the implementation of new voting standards, practices and procedures that have the purpose or effect of denying or abridging racial and language minorities' right to vote throughout the 925 counties specially covered by the Voting Rights Act (VRA) of 1965, as amended in 1970 and 1975.

To assure the assignment of federal observers to those polling places within the 925 specially covered counties where observer personnel are needed to document misdeeds in the election process or to ensure confidence of the minority community in the electoral process and actions of individuals conducting the elections.

To provide a federal alternative for voter registration when the actions and practices of local authorities discriminatorily deny racial and language minorities' access to the voter registration rolls.

To defend lawsuits that are required to be brought against the United States under the special provisions of the VRA before three-judge panels in the United States District Court for the District of Columbia to preclear voting changes and to terminate coverage.

To initiate lawsuits against jurisdictions that violate the preclearance requirements of Section 5.

To discover and remedy actions of state and local election and voter registration administrators that prevent a full and fair exercise of the franchise by racial and language minorities and overseas citizens.

To discover and remedy methods of conducting elections that dilute the voting strength of racial and language minorities.

Base Program Description: The program is divided into two components, a Section 5 unit and a litigation unit. The Section 5 unit, staffed by equal opportunity specialists/program analysts under the supervision of an attorney, reviews changes in voting practices or procedures proposed by the 925 jurisdictions which are required to have such changes cleared before they can be implemented. If the program determines that a change will have a discriminatory effect, it recommends to the Assistant Attorney General that he pose an objection to the change. As an alternative to administrative preclearance, the VRA provides that jurisdictions may seek judicial preclearance through declaratory judgment suits. The litigation component of the program handles these suits, brings suits against jurisdictions which implement voting changes which have not been precleared, and handles suits under the provision of the Act that allows jurisdictions to seek a judicial determination that they no longer need to be subject to the preclearance requirements.

The preclearance requirements to the VRA relate to changes in voting practices and procedures. Other provisions of the Act and other voting laws relate to existing practices and procedures, either those which existed before the Act went into effect in jurisdictions covered by the special provisions or those which exist in jurisdictions not covered by the special provisions. As resources permit, the litigation component brings lawsuits to remedy existing practices or procedures which deny, abridge or dilute minorities' voting rights. Enforcement of the 1975 exclusive English prohibition is handled through the administrative and litigative enforcement mechanisms described above. In addition, the program consults with and provides materials to local election officials to help them understand their responsibilities for assisting language minorities in exercising their voting rights. In a similar manner, the program helps U.S. Attorneys carry out their language provision enforcement responsibilities.

Both components of the program assist in determining where federal observers are needed to observe election day activities (to report indications of interference with or abridgement of minorities' voting rights). Through file reviews, telephone contacts and field surveys, jurisdictions needing coverage are identified, appropriate numbers and locations of observers are determined, and the Office of Personnel Management is contacted to work out the appointment and development of observers. The program's attorneys assist the observers and coordinate their activities and information on election day.

The program also encourages the ultimate goal of voluntary compliance with federal civil rights voting laws by remaining available to confer with other elements of the federal government, such as the Federal Election Commission, the Department of Justice, and the Bureau of the Census, and with individuals and associations of state and local election administrators, such as secretaries of state and county clerks, regarding their concerns about the impact of federal law and regarding the Department's position with respect to the import and requirements of federal law.

Accomplishments and Workload: Accomplishments of the Voting Program are set forth below:

Item	Estimates		
	1979	1980	1982
Cases commenced	7	7	21
Cases closed	28	2	31
Matters received	98	82	160
Matters terminated	50	62	50
Section 5 Submissions Received	1,914	2,422	3,200

In 1980, the Voting Rights Program received 2,422 submissions involving 7,312 voting changes under Section 5 of the VRA. This volume reflects a substantial increase over 1979. Thirty-two objections were interposed, including an objection to a redistricting plan that would have guaranteed that a majority of the Selma, Alabama, city council members would be white. In addition, on March 21, 1980, the program published proposed revisions to the Code of Federal Regulations regarding the procedural guidelines for the administration of Section 5 in order to reflect changes in the law since the guidelines were issued in 1971, and to give jurisdictions more helpful instruction regarding the submission procedure. A reorganization of the Section 5 analysis program, implemented in the last month of 1979, has increased the effectiveness of that process.

The program initially participated as a party in 12 suits, as amicus in five suits, and advised and counseled the U.S. Attorney's office in the Eastern District of California regarding two suits brought against the United States under the language minority provisions of Section 203 of the VRA. Of the 13 suits in which the program initially participated, all but one were actions brought under Section 5. The program's strategy of investigation and initiating actions to attack methods of election that dilute the voting strength of minorities resulted in one new suit during the period and has been temporarily revised to concentrate on previously filed cases as a result of a Supreme Court decision that appears to have significantly redefined the elements of proof required to show that a given method of election is dilutive.

The increases in the volume of Section 5 submissions and in the program's initial participation in lawsuits, along with the program's concentration on previously filed dilution cases, were accompanied by a continuing need to dedicate substantial resources to the federal observer election coverage program. Among other things, remaining resources are being employed

to develop a broad-based investigative approach to determine whether reasonable opportunities for voter registration are being discriminatorily withheld from minorities in southern states.

Program Changes: The 1982 requested increase for this program includes six permanent (1 attorney, 4 equal opportunity specialists/program analysts, 1 clerical), 7.5 workyears of temporary employment and \$516,000 in order to handle additional responsibilities.

The Section 5 preclearance program is a nondiscretionary function for which the Attorney General is solely responsible. Therefore, this program must consider it the highest priority. The volume of submissions received for preclearance under Section 5 of the VRA showed a steady annual increase of approximately 150 submissions per year after the extraordinary surge in 1976 when Texas was initially included under the Act. This increase did seem to level off in 1979 when the number of submissions received was almost identical to 1978. The number of submissions received in 1980, however, indicates that the annual increase has resumed and expanded. Moreover, the number of voting-connected changes involved in these submissions portend a greater workload for analysis during coming fiscal years. In addition, the entire preclearance program will be heavily impacted by redistricting and reapportionment statistics that will be made and submitted by Section 5 states, counties, cities and other political entities after 1980 census statistics are made available and those jurisdictions adjust district boundary lines to comply with one person, one vote constitutional and state law mandates. Considering Census Bureau schedules, past post-census submission volumes and their relevant factors such as the number of jurisdictions presently covered under Section 5 and jurisdictions' greater familiarity with reapportionment and Section 5 requirements than was true in the early 1970's, the program anticipates receiving at least 1,500 redistricting submissions in the early 1980's. It should be noted that an average Section 5 submission requires eight (8) workhours to analyze, an average redistricting submission requires 48 workhours.

Also, the program's enforcement activity has changed reflecting recent court interpretations of the statutes enforced by the program, especially the many judicial decisions that have developed and more clearly defined liability and elements of proof necessary in voting dilution cases. Moreover, cases involving enforcement of Section 5 have become more protracted as legal issues have become specific with regard to the nature of covered voting changes and appropriate relief. Thus, voting cases have come to routinely involve complex legal and/or factual issues, have become far less apt to be resolved by settlement and, as a result, require much greater time and staff to prepare for and litigate than was true until 1977. The program currently has a large pending caseload resulting from the number of cases filed from 1976 through 1978 (70 cases). The program requires additional resources to allow continuation of its present successful efforts to achieve a broad-based enforcement program that meets Congressional mandates to prevent and remedy denials and abridgements of the right to vote, and to allow sufficient capabilities to investigate and litigate the additional statutory violations that will occur incident to jurisdictions' post-1980 census reapportionment activity. These latter violations include Section 5 jurisdictions' implementation of reapportionment plans without Section 5 preclearance, and the adoption of discriminatory and/or dilutive reapportionment plans by non-Section 5 jurisdictions.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease				
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.			
General Litigation	84	81	\$2,915	84	81	\$3,101	75	72	\$2,814	-9	-\$287

Long-Range Goal: To eliminate segregation in districts formerly operating dual school systems and reduce, in substantial measure, the need for court-supervision of public elementary and secondary school desegregation in these districts; make substantial progress in eliminating unlawful segregation and discrimination in public schools in districts where there is no history of a statutorily required dual school system; make substantial progress in eliminating unlawful segregation and discrimination in public schools which have resulted from land use and zoning practices that have prohibited minority persons from residing in certain areas; eliminate the vestiges of unlawful, racially dual systems of higher education, assist the Department of Education (ED) in enforcing assurances of compliance with the civil rights laws, such as Title VI of the Civil Rights Act of 1964; eliminate a significant portion of the illegal discrimination and racial segregation in housing opportunities including racially restrictive land use and zoning practices; and eliminate a significant portion of the illegal discrimination in credit transactions and secure general compliance with the Equal Credit Opportunity Act (ECOA) and its implementing regulations.

Major Objectives:

- Initiate, or participate in, litigation designed to bring about the orderly desegregation of the schools pursuant to Title IV of the 1964 Civil Rights Act.
- Initiate, or participate in, litigation designed to ensure non-discrimination against handicapped persons, pursuant to the Rehabilitation Act of 1973, as amended.
- Seek supplemental relief designed to eliminate the vestiges of racially dual school systems and to achieve compliance with constitutional requirements. Such relief in southern school districts will lead to the elimination of the need for judicial supervision of many of these school districts.
- Participate in litigation, involving educational institutions, designed to eliminate denial of equal protection of the laws on account of sex.
- File lawsuits, upon referral from ED, to enforce nondiscrimination assurances made by educational institution recipients of federal funds.
- Defend ED against court challenges to its authority to enforce civil rights assurances by federal recipients through the administrative process.
- Investigate the relationship between unlawful school segregation and residential segregation with a view toward initiating, or participating in, suits that would remedy both unlawful residential segregation and unlawfully segregated school systems resulting from unlawful zoning and/or land use practices by local governments.
- Investigate compliance and initiate litigation to enforce the Fair Housing Act and the ECOA, and bring such litigation to successful completion.
- Initiate litigation, upon referral from HUD, to remedy local governmental bodies' non-compliance with their housing-related obligations under the 1974 Housing and Community Development Act.

Monitor final court orders resulting from suits under the Fair Housing Act and the ECOA, and move for contempt of court or other relief where the facts warrant.

Communicate equal housing and credit opportunity information to the public by liaison with federal, state, and local enforcement agencies and private civil rights and fair housing groups.

Base Program Description: The major objectives of the program are accomplished through the use of the program's staff, with assistance from local U.S. Attorney's offices and the Federal Bureau of Investigation. The work of this program regarding school desegregation requires coordination with the Office for Civil Rights (OCR), ED. In defensive cases coordination includes securing litigation reports from the client agency, joint planning of litigation strategy, mutual review of pleadings and other papers, and supervision of agency personnel on those occasions when they appear in court. When education matters might be referred to the program, advance planning with OCR is undertaken to ensure that cases referred are worthy of litigation. One element of coordination that is now missing is a long-range planning process whereby OCR can estimate the number and kinds of referrals it expects to make two or three years in the future. An effort is being made to develop a system for obtaining and handling Title IX referrals from OCR.

For work regarding discrimination in housing and credit, program activities must be coordinated with the Department of Housing and Urban Development (HUD), the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Home Loan Bank Board, the Federal Trade Commission (FTC) and the National Credit Union Administration (NCUA). HUD's responsibilities under the proposed Fair Housing Act include the investigation and conciliation of individual complaints alleging prohibited discrimination. HUD also refers certain matters to this program which HUD believes merit consideration under our pattern and practice jurisdiction. Coordination with HUD is thus required so that a sound and consistent policy may be developed in the interpretation of the Fair Housing Act and in the types of relief that are appropriate for victims of the prohibited discrimination. Coordination with the agencies responsible for overseeing the operations of creditors is necessary to obtain information about patterns and practices of discrimination and to avoid duplication of enforcement effort.

Coordination is further required with those several state and local civil rights agencies that have jurisdiction under local law to seek to prevent the types of prohibited discrimination covered by federal law. Current and planned mechanisms include an exchange of information among the program staff, HUD, and other agencies that have Fair Housing Act and ECOA responsibilities.

The decision to consolidate the Education and the Housing and Credit Programs into the General Litigation Program has enabled the General Litigation Program to more fully utilize Division resources. A more broadly based litigation program has allowed the Division to devote a greater percentage of its attorney workyears to legal matters, reduce the compartmentalization of attorneys into narrow specialties, provide management with greater flexibility in approaching complex enforcement problems, and address interrelated enforcement matters in a unified manner.

Accomplishments and Workload: Accomplishments of the program are set forth below:

Item	Estimates		
	1979	1980	1981
Cases commenced	45	23	28
Cases closed	39	32	51
Matters received	550	446	550
Matters terminated	560	420	400
			450

The program represents the United States in school desegregation suits throughout the nation. The majority of the suits, involving over 500 school districts, to which the U.S. is a party, involved elementary and secondary schools in southern states. In these cases the program continues the job of seeking full compliance with the laws requiring desegregation. Cases involving desegregation of illegally segregated public schools in northern and western states are consuming an increasingly large part of the program's resources. Among the major cases in this area in which the U.S. has participated are those involving St. Louis, Missouri; Indianapolis, Indiana; Kansas City, Kansas; Cleveland, Ohio; Tucson, Arizona; Austin, Texas; Ferndale, Michigan; Houston, Texas; and Seattle, Washington. Another major area of school litigation is the desegregation of higher education in Mississippi and Louisiana, and the program is defending ED's efforts to enforce the law regarding higher education systems in North Carolina, Maryland, and Georgia. In addition, the program is currently involved in suits against two universities involving the denial of equal educational and athletic opportunities for female students.

The program also represents the U.S. in suits alleging a pattern or practice of violations of the Fair Housing Act. Suits involve such prohibited actions as refusal to sell or rent housing to a person on the basis of race, sex, or religion; zoning to exclude housing because of the race of the potential resident; and failure to count the income of women on the same basis as men in determining whether to make housing available to an applicant. Two of the program's recent suits allege sex discrimination by several race tracks with respect to the provision of track-owned housing for female employees. Additionally, several suits were brought against municipalities involving the use of zoning regulations and land use practices to illegally segregate communities. The program also successfully prosecuted several land use suits, including suits against the City of Parma, Ohio, and Chickasaw, Alabama.

Since the passage of the ECOA, the program has worked closely with federal regulatory agencies and has filed significant suits challenging the non-housing lending practices of banks and retail creditors as well as the practices of real estate appraisers and mortgage lenders. Currently, one of its suits alleges age and marital status discrimination against the nation's second largest small loan company.

Program Changes: The 1982 request for this program provides for a decrease in resources of nine positions and \$287,000. In order to accomplish the objectives of the higher priority programs of the Civil Rights Division, which have received new or increased responsibilities it is proposed that this program be reduced by approximately 11 percent.

The General Litigation Program will be able to operate in an adequate manner at this level.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease		
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	
Federal Enforcement	75	\$2,812	75	\$2,986	66	\$2,692	-9 - \$294

Long-Range Goal: To substantially reduce discrimination in employment by state and local governmental units and private federal contractors, and to substantially eliminate discrimination in the administration of federally assisted programs.

Major Objectives:

To initiate as many lawsuits as possible in order to maximize the number of jobs affected by court decrees.

Develop the legal principles necessary to create a nationwide climate where voluntary compliance with laws and orders against discriminatory employment practices can be achieved without the necessity of litigation.

Monitor and enforce existing court orders to ensure compliance so that the results sought by litigation are obtained.

Conduct litigation designed to ensure non-discrimination against handicapped persons, pursuant to the Rehabilitation Act of 1973, as amended.

Enforce, through Division-initiated litigation, Titles VI and VII in the public sector.

Issue right-to-sue notices based on referrals from the Equal Employment Opportunity Commission (EEOC).

Litigate in both the public and private sectors, based on referrals from the EEOC, the Office of Justice Assistance Research and Statistics, the Office of Federal Contract Compliance Programs (OFCCP), and the Office of Revenue Sharing.

Cooperate with attorneys and private litigants by intervening or by participating as amicus curiae in private suits when the federal government's position is important to the development of case law.

Base Program Description: This program represents the combination of one former program (Employment) and the litigative portion of another (Federal Programs) in April 1979. This program is charged with continuing to conduct the litigative effort needed to accomplish its long-term goals, including cooperation with other agencies. The day-to-day interagency coordination function previously performed by the Federal Programs Decision Unit has been reassigned to another new program, Coordination and Review. The restructuring of the programs of this Division and particularly the creation of this one provides the framework within which problems peculiar to discrimination in employment and services which are interrelated can be solved more efficiently.

To strengthen the effect of resources expended with regard to Executive Order 11246, the Division has been working with the OFCCP on a proposed agreement under which there would be closer coordination between the Department of Justice and the Department of Labor on targeting of major contractors for investigation and litigation to enforce the Executive Order. This agreement would implement the Labor regulations which contemplate participation by the Department of Justice in the early stages of matters likely to go to litigation.

Accomplishments and Workload: Accomplishments of the program are set forth below:

Item	Estimates		
	1979	1980	1982
Cases commenced	20	23	10
Cases closed	0	63	6
Matters received	458	585	690
Matters terminated	285	585	500
Right-to-sue notices issued . .	4,200	1,976	1,000

Following several years of effort on this program's part, two of our major lawsuits were resolved. Our suit against Lee Way Motor Freight was finally settled after just under eight years of concerted effort which included the devotion of substantial resources to discovery, a prolonged trial, and extensive hearings on backpay eligibility, as well as an appeal. The resulting decree calls for \$2.7 million in backpay, as well as \$42,000 in costs awarded to the government, and full prospective relief including hiring goals. This case is particularly important because of its anticipated salutary effect on defendants who might try again to litigate by attrition and delay. The program's sex discrimination case against the Philadelphia Police Department has been tentatively settled after over six years of protracted hearings, a full trial and several appeals, with a 30 percent hiring goal set for women, and an award of \$700,000 in backpay. The resolution of those two cases will now make available resources which can be devoted to new litigation.

At the appellate level, two notable decisions were those upholding the consent decree in a case against the City of Miami and reversing the adverse holding of the District Court in a suit against Fairfax County. The Miami case will constitute a favorable precedent in sustaining consent decrees against persons resisting efforts to eliminate discriminatory employment practices. The Fairfax County decision on appeal will provide a valuable precedent for other cases against suburban governments.

Fourteen pattern or practice suits were filed. They included our first two such suits against large suburban school districts, and suits alleging discrimination based on race, sex or both against fire or police units at the state, county or local level in various parts of the country. Nine of those new lawsuits were resolved by consent decrees, as were five of the lawsuits filed in prior years. Three of the five suits which involved revenue sharing as well as were so settled. In addition, this program is responsible for defending other federal agencies in seven new suits involving either Executive Order 11246 or revenue sharing, and is participating as amicus in two additional suits. A program to develop and bring suits alleging services discrimination in federally-related programs or activities was commenced and is consuming substantial resources. During 1980, the program filed one suit involving sex discrimination in strip searches, reached agreement with the Memphis Police Department for a program designed to minimize the use of deadly force, and began investigations of discrimination in municipal services by twelve other municipalities.

Program Changes: The 1982 request for this program provides for a decrease in resources of nine positions and \$294,000. In order to accomplish the objectives of the higher priority programs of the Civil Rights Division, which have received new or increased responsibilities, it is proposed that this program be reduced by approximately 12 percent.

The Federal Enforcement Program will be able to operate adequately at this level.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Coordination and Review	35	34	\$1,171	35	34	\$1,234	53	50	\$2,063	18	16	\$829

Long-Range Goal: To ensure that applicants and beneficiaries of all races, colors, sexes, religions, and nationalities and persons with handicapping conditions have equal opportunity in and equal access to federally assisted programs (and federally conducted programs in the case of persons with handicapping conditions).

Major Objectives:

Coordinate development and issuance of agencies' regulations.

Implement a system for review of policy questions and legal issues associated with civil rights enforcement.

Develop and prescribe standards, guidelines, and policies defining the nature of discrimination on the grounds of race, color, religion, sex, national origin, or handicap in programs receiving federal financial assistance (and federally conducted programs in the case of handicap).

Develop and prescribe uniform and consistent standards and procedures for investigations and compliance reviews to be conducted by agencies under any federal statute, Executive Order, regulation, or policy requiring nondiscrimination in programs receiving federal financial assistance (and federally conducted programs in the case of Section 504 of the Rehabilitation Act of 1973).

Coordinate and review the submission of Section 53 of agency A-11 budget reports, and provide the Office of Management and Budget (OMB) with an assessment of the adequacy of agency resources allocated to civil rights enforcement based on evaluation of the data submitted in the A-11 report.

Review and evaluate agency civil rights enforcement programs or particular compliance systems through the conduct of in-depth interagency surveys and audits designated to determine whether or not such programs are in compliance with the standards established by Attorney General's coordination regulations.

Develop uniform record-keeping and reporting requirements to be utilized by agencies with nondiscrimination enforcement responsibilities concerning persons eligible for, applying to, participating in, or benefiting from programs receiving federal financial assistance, and issue, in conjunction with OMB and the Equal Employment Opportunity Commission (EEOC), government-wide policies regarding data collection via application for benefits and applications for assistance, and for reporting the data collected via post-award reports.

Develop procedures with affected agencies, including the use of memoranda of understanding and delegations of authority, to minimize duplicative investigations or compliance reviews of particular recipients or classes of recipients covered by federal statutes, Executive Orders, regulations, or policies requiring nondiscrimination in programs receiving federal financial assistance (and federally conducted programs in the case of Section 504).

Implement computer-assisted systems to monitor agency enforcement of civil rights programs. Three systems are planned: (a) a system to monitor agency complaint processing; (b) a system to monitor agency enforcement actions taken pursuant to findings of non-compliance; and (c) a system to monitor agency compliance reviews.

Assist in the revision and presentation of training programs for the staff of agencies with nondiscrimination enforcement responsibilities.

Develop cooperative information sharing systems, and provide for the sharing of compliance records, findings and supportive documentation amongst agencies responsible for ensuring nondiscrimination in programs receiving federal financial assistance.

Assist agencies in developing appropriate publications and other information on the responsibilities of applicants for and recipients of federal financial assistance and on the rights of beneficiaries of programs receiving federal financial assistance.

Review and revise AG coordination regulations, as necessary.

Base Program Description: The program utilizes the following five-pronged approach in monitoring and assisting individual agencies to effectuate the standards established under the authority of the Attorney General.

-- All covered agencies are assigned lead coordinators and attorney advisors who: (1) acquire working knowledge of their assigned agencies' programs and civil rights enforcement structure; (2) develop contacts within the agencies; (3) maintain close liaison with the agencies' civil rights staff (these lead coordinators and attorney advisors are expected routinely to monitor their assigned agencies' compliance and enforcement efforts and ensure that their agencies: (a) have in place or are drafting appropriate regulations and guidelines pursuant to Section 504, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972; (b) collect sufficient data to effectively assess the compliance status of their recipients; (c) establish and implement, as appropriate, an effective pre-award review system); and (4) develop annually an adequate civil rights management plan.

-- Interagency reporting forms have been developed and distributed to all covered agencies. Based on submission of these reports, the status of agency complaint handling is assessed utilizing a computer-assisted data base. Plans are underway to develop and implement similar systems to monitor agency post-award compliance reviews and enforcement actions.

taken pursuant to findings of non-compliance. Eventually these systems will be interfaced with the OMB A-11 reporting to produce Exhibit 55. Currently, each agency's A-11 submission is evaluated annually to assess the adequacy of the resources allocated by the agency to civil rights enforcement. Recommendations as appropriate are made to OMB.

-- As staff resources permit, in-depth evaluation audits of agency civil rights compliance and enforcement programs are undertaken for the purpose of identifying and correcting deficiencies in those programs. Under this program, coordination specialists (e.g., management analysts, systems analysts, and training specialists) may provide technical expertise in particular problem areas (e.g., organization and management, data or complaint systems, resource allocations, or the development of instructional modules). This is intended to supplement routine monitoring and "paper systems" review by determining what agency civil rights staff actually do and whether or not the agency, in practice, is complying with the policies, procedures, and management objectives established in its systems. The program expects the resources devoted to this activity to increase slightly for several years starting in 1983 and then to decrease as all agencies are reviewed.

-- Technical assistance is provided to agencies on a continuing basis as staff resources permit (e.g., evaluation and recommendations regarding agencies' compliance officer handbooks, civil rights guidelines, management plans and policy directives). Additionally, coordination staff routinely monitor compliance of covered agencies with the Attorney General's coordination regulations to assess the adequacy of each agency's enforcement program. Where deficiencies are identified, technical assistance is initiated to effect remedial action. Upon request, program attorneys also provide agencies with legal opinions on issues which cannot be resolved by their General Counsel.

-- As resources permit, the program may assist agency staff in developing "core" training programs dealing with all aspects of civil rights enforcement. These training programs are tailored to reflect the specific jurisdiction of the agency, and are designed to improve the technical competency of agency compliance staff.

In addition to the individual agency approach, the program also operates a broader cross-the-board coordination program which addresses all agencies identified as administering covered programs and all major civil rights issues. Such issues would include: (1) developing uniform standards and procedures for agency compliance activities (i.e., complaint investigations, pre-award reviews, post-award compliance monitoring); (2) issuing policies which prescribe uniform definitions of and standards of proof for discrimination; (3) developing uniform recordkeeping and reporting requirements; (4) implementing delegation of authority and information sharing systems to reduce overlap of agency enforcement efforts; and (5) working with state and local governments to develop cooperative federal/state/local enforcement programs.

Accomplishments and Workload: Accomplishments of the program are set forth below:

Item	1979	1980	Estimates	
			1981	1982
Memoranda of Understanding items completed	17	33		
Agency Procedures, Policies or Guidelines Impacted	15	40		New workload measures are being prepared in accordance with Execu- tive Order 12250, signed 11/2/80.
Statutory Changes	19	15		
Regulatory Changes	3,000	435		
Agency Files Closed	13	15		
				199

The Attorney General wrote the Secretary of Labor asking for (1) revised Title VI regulations, and (2) an enforcement plan which would provide for: (a) establishment of a national civil rights office with full authority over field staff, (b) determinations of compliance or non-compliance to be made by the civil rights staff as opposed to the program staff, and (c) sufficient personnel to effectuate the Title VI program. The Department of Labor responded in February, 1980, with a plan and a set of proposed regulations which were subsequently approved by the Attorney General. This is the first such action taken by the Attorney General, and is based on the interaction of this program with the Department of Labor. The agency has completely restructured its civil rights program, organization, and authority. A new Office of Civil Rights was established in the Office of the Secretary with direct responsibility for all civil rights decisions, including agency determination of compliance and noncompliance, and with direct control over field civil rights staff.

In November, 1979, written communication was made to all agencies determined to have civil rights responsibilities. In each case, the letter was individually tailored and requested that the agency submit for DOJ review: (1) a copy of its current civil rights management plan; (2) a copy of each set of program-specific civil rights guidelines; (3) a written report of the agency's findings resulting from a self-evaluation to be undertaken in the area of data collection; and (4) a written report of the availability of bilingual services in its programs. In addition, for those agencies which had not submitted revised regulations to DOJ for review and approval, the letter also proposed a new regulatory enforcement scheme to be incorporated by amending their existing regulations. This initiative will determine the status and adequacy of each covered agency's "paper" compliance systems (e.g., regulations, guidelines, operating plan, data systems, bilingual services). As deficiencies are being identified, program staff are assisting agencies to develop and establish adequate systems.

Program Changes: Increases of 18 positions (3 attorneys, 2 management analysts, 1 budget analyst, 5 program analysts, 2 training specialists, 1 statistician, 2 clericals, 2 handicapped employee assistants) and \$829,000 are requested for 1982 in order to effectively implement Executive Order 12250, signed November 2, 1980.

The new Executive Order delegates authority to the Attorney General for coordinating Section 504 of the Rehabilitation Act of 1973, as amended and the overall responsibility for coordinating the enforcement of laws prohibiting discrimination on the ground of race, color, religion, national origin, or sex in programs receiving federal financial assistance (Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972).

In order to handle these responsibilities, the program must be adequately staffed in view of the need for rational, consistent development of regulatory and enforcement policy. Most federal agencies have yet to promulgate statutorily required Section 504 regulations, and those that have, must revise them to comply with the 1978 amendments to the Vocational Rehabilitation Act of 1973. In addition, most federal agencies have yet to promulgate statutorily required Title IX regulations. The program must also coordinate development of single, comprehensive regulations to replace, in most cases, the plethora of regulations which presently exist.

Coordination authority for Section 504 was previously handled by the Department of Health and Human Services. No agency has ever been assigned coordination authority for Title IX.

These additional resources are required if the program is to carry out the Attorney General's coordination responsibilities under Executive Order 12250 at a comprehensive and meaningful level.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		

Executive Direction and Control . . . 30 30 \$1,322 30 30 \$1,471 30 30 \$1,671 . . . \$200

Long-Range Goal: To reduce the incidence of illegal discrimination in the nation and to provide the public maximum access to Division records permissible under controlling law.

Major Objectives:

To anticipate workload and, in a timely and sound manner, to plan the resources required to operate the Division's programs efficiently and effectively.

To provide adequate direction and control over the programs of the Division.

To evaluate policies, procedures, systems, resource expenditures and time expenditures of the programs and to develop proposals for changes which would render the programs more efficient, effective and responsive to constituent concerns.

To coordinate the Division's enforcement activities appropriately with related activities of other components of the Department and other enforcement agencies.

To participate effectively in Departmental, Executive Branch and government-wide efforts to clarify or strengthen jurisdiction and authority and to establish or improve policies and procedures which govern litigation, administrative enforcement and program operation.

To establish and maintain relationships with public interest groups, members of Congress and other constituent representatives which permit constituent concerns to be communicated to the Division and Division activities to be explained to constituents' representatives.

To plan and oversee timely and effective training of paralegals, other professionals and support personnel.

To train and evaluate new attorneys quickly and effectively.

To handle important civil cases which, either because of their size or complexity or because of their legal novelty, cannot be readily handled by the litigating units.

To answer Freedom of Information Act (FOIA) requests within 10 days and Privacy Act (PA) requests within 20 days.

To minimize the number of appeals from denials of records requests by adhering to a standard of maximum disclosure permissible under controlling law.

Base Program Description: Objectives 1 through 7 reflect the direct responsibilities of the Assistant Attorney General for Civil Rights, the Division's two Deputy Assistant Attorneys General, the Executive Officer and their immediate staffs. These officials normally meet twice weekly to discuss matters of immediate concern, short-range plans and long-range plans relating to management of the Division. As a general rule, matters involving investigative and litigative strategy, relations with the FBI, and preclearance of changes in localities' voting practices and procedures are assigned to the Principal Deputy Assistant Attorney General for action or oversight; matters involving long-range program planning and evaluation or relations with U.S. Attorneys, other components of the Department, other agencies, the Congress and some public interest groups are generally assigned to the Deputy Assistant Attorney General for Policy and Planning; and matters involving finance and support services are assigned to the Executive Officer for action or oversight. The Executive Officer is the manager of the Administrative Services Program. The Assistant Attorney General also represents the Attorney General on interagency councils concerned with civil rights issues. In that connection, he serves as chair of the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973 and as a member of the Architectural and Transportation Barriers Compliance Board. The Assistant Attorney General personally approves case filings, interventions and amicus participations, major investigative undertakings, major enforcement motions, novel legal positions, major consent decrees, and closings of investigations of death cases. Personnel matters are considered jointly or are assigned on an ad hoc basis. The Division is currently developing a number of automated information systems to support these management responsibilities.

Objectives 8 and 9 reflect the responsibilities of the Special Counsel for Litigation, the Division's most capable and experienced trial attorneys who, assisted by new attorneys not yet assigned to other programs, prepare unusual civil rights cases for the Division. Cases are assigned to the Special Counsel by the Assistant Attorney General after reviewing suggestions made by managers of other programs. The Special Counsel reports to the Principal Deputy Assistant Attorney General on strategy and operational matters.

Objectives 10 and 11 are assigned to the Freedom of Information Act/Privacy Act Unit, which reports to the Principal Deputy Assistant Attorney General on legal matters and to the Executive Officer on operational matters.

The Executive Direction and Control Program is organized to handle responsibilities which cut across the responsibilities of all of the other programs of the Division. Through this structure the Division is able to use consistent standards and procedures in responding to FOIA/PA requests, to ensure that the most unusual meritorious cases are handled by the most senior trial attorneys, and to weigh and balance the personnel, resource and support needs of the Division's programs. Dealings with other components of the Department, other agencies, the Congress and public interest groups are either handled by Division officials directly or are delegated to personnel in other programs and reported to Division officials to assure consistency and effective coordination on program and operational issues.

Accomplishments and Workload: Accomplishments of the program are set forth below:

Item	Estimates		
	1979	1980	1981
FOIA Requests Received	260	260	260
FOIA Requests Processed	233	210	205
PA Requests Received	262	170	155
PA Requests Processed	238	140	130
FOIA Avg. Proc. Time (In Days)	19.7	40.2	48
PA Avg. Proc. Time (In Days)	26.7	22.3	26.8
			31.3

There is no way to quantitatively define the workload inputs and outputs of program and operational planning, direction, control and evaluation activities. These management activities are by nature non-quantifiable and are best measured by the performance of the other programs which are managed by this program. The Division is in the process of developing a management information system which will allow Division managers to measure the inputs, outputs and performance of the other programs. This system, when completed, will provide the best basis for assessing the quality of Division management.

The Special Counsel for Litigation staff includes five attorneys and five support positions. The staff has handled a small number of complex cases including the Philadelphia civil police case, the Chicago strip search case, the South Carolina voting reapportionment case and the Chicago school desegregation matter. Since the types of cases/matters handled by this staff are unusually complex and massive, and since the major cases undertaken have not yet been completed, it is premature to try to measure workload inputs, outputs and performance.

The actual and projected workload for the FOIA/PA program for 1979 through 1982 is reflected above. The figures reflect that the total number of FOIA requests received annually is believed to have leveled off, and the total number of PA requests is expected to level off by 1982. However, workload is increasing, as is reflected in the "average processing time" statistics. Two factors account for the workload increase: (1) in the past many people submitted "form" requests to numerous agencies seeking to find out whether the agencies had any records on themselves or topics of interest to them. Many of these were easy to process because they were negative checks of record indices reflected that the Division had no records relevant to the requests and form letters were sent to the requesters advising them of that fact. The percentage of requests which fail in this category has been rapidly declining. (In 1978 45 percent of all requests were disposed of with "no records on this topic" responses; in 1979 the percentage dropped to 33 percent; in 1980 only 21 percent have been of this type.) Obviously, then, the number of requests which require substantive processing--location, review, editing and reproduction of records--is increasing; and (2) each year more researchers, scholars and writers use the FOIA as a means of collecting voluminous materials for studies and books.

Program Changes: An increase of \$200,000 in the program's travel budget base is requested in 1982 to continue handling special cases and to undertake four or five new matters or cases which raise novel issues and which, because of their complexity or massiveness, cannot readily be handled by the litigating programs; and provide training to various U.S. Attorneys' staffs to equip them to adequately handle civil rights cases and matters.

The program's travel budget has been seriously affected by increased travel expenses incurred by the Special Litigation Counsel staff. The staff operates with five Special Litigation Counsel, their secretaries, and new and experienced attorneys and paralegals detailed from the various programs of the Division. Since the cases/matters assigned to this staff are complex and massive, they require extensive investigation involving a significant amount of travel. All of the travel expenses for these cases/matters (even for those on detail to the staff) are charged to this program. Although this function represents a relatively new undertaking for the Division, we are very much aware of the impact it has had on the program's travel budget. Therefore, \$150,000 is requested to offset this problem.

In addition, the Division is trying to work as closely as possible with U.S. Attorneys to better acquaint their staffs with the procedures for handling civil rights cases. Much of the knowledge which must be imparted to members of the U.S. Attorneys offices must be done on a firsthand basis. The information necessary to prepare anyone to handle cases/matters within the Division's jurisdiction cannot be provided by bringing them to Washington, D.C. for classroom training. Investigation and litigation is performed in the field, and Division personnel must be available to supervise and direct U.S. Attorney staff members in order to adequately prepare them to handle civil rights cases/matters which are often complex and unique. The Division feels that this operation will ultimately result in a more effective civil rights effort without requiring an increase in positions. Fifty thousand dollars (\$50,000) is requested for this purpose.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm. -			Pos. -			Perm. -		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administrative Services	53	61	\$2,467	53	61	\$2,561	53	61	\$3,875	...	...	\$1,314

Long-Range Goal: To provide to the enforcement activities of the Civil Rights Division all of the necessary administrative support, training, systems support, and operational support required to enable the programs to substantially reduce discrimination in all subject areas enforced; and improve and maintain, more cost-effective systems and equipment to allow increased efficiency and work per employee.

Major Objectives:

Provide a cost-effective and responsive system capability to the management and litigative programs of the Division.

Review, analyze and respond (on behalf of the Assistant Attorney General) to letters, memoranda and other communications directed to the Division by the White House, Congress, other federal departments, private corporations and citizens.

Provide all of the necessary general administrative support to the Division personnel to enable them to enforce federal civil rights laws, including the following administrative activities: budget formulation and execution; personnel services and training; library services; mail distribution; outside contracts and procurement; space management; supply, equipment and reproduction services; and other support not specifically defined in other programs.

Provide a staff of other employees (temporary, part-time, etc.) to furnish short-term or part-time assistance to the Division's programs where a need exists.

Provide training for SES incumbents and candidates and for Merit Pay employees.

Base Program Description: The Division's systems support capability is designed to improve program planning and evaluation, case load management and resource allocation in the litigating programs. In addition, the increasing complexity of the cases handled by the Division has required an expanded systems support capability to provide for more efficient litigation fact development. The Division does not have the ceiling or budget to allow this high technology systems capability to be created within each of the programs, nor can it allow attorneys or managers untrained in the sciences involved to invent their own version of what might be effective at the time the need arises. One centralized office within the Division is utilized to put together the skills and capabilities required for effective analysis and design of systems involving advanced equipment and procedures, particularly where ADP is an integral component of the final service.

The administrative and training functions are conducted through a centralized operation rather than through individual programs furnishing their own services. This avoids position duplication, permits flexibility for the use of resources, and provides greater management control. The administrative program provides services and support to the Division in areas of personnel, correspondence processing, docket and file maintenance, budget preparation, fiscal execution, space management, mail and supply and reproduction services. Additionally, the program responds, on behalf of the Assistant Attorney General, to personal, written, and telephone complaints and inquiries made by citizens, private industry, Congress and the White House. This mission activity requires the use of a large portion of the clerical and technical personnel assigned to the program. The program also issues non-prosecutorial notices on criminal matters.

Accomplishments and Workload: Accomplishments of this program are set forth below:

Item	Estimates		
	1979	1980	1981
No. of pieces of correspondence received, classified and routed (in thousands)	88	95	97
No. of pieces of administrative support correspondence documents prepared	1,000	3,000	4,500
No. of pieces of citizen complaint responses prepared (in thousands)	28	40	53
No. of White House/Congressional replies controlled	900	1,000	1,400
No. of new files created	4,000	3,200	3,600
No. of file storage requests filled	8,000	6,800	8,000
No. of file retrieval requests filled	2,500	3,000	3,000
Management Information Systems	3	20	30
Litigation Support Projects	100	350	500
Litigation Support Reports	6	8	12
Litigation Support Projects	80	100	150
Litigation Support Reports			250

In 1980, the Systems Support staff had a design backlog of five systems for management information, response time for implementing such systems was several weeks, and the level of detail and quality set 90 percent of the requirements. The same information is true for litigation support projects. (There are currently three cases which we have been unable to begin.) The units of measurement (systems, reports, projects) should be interpreted relative to their statistical context. For example, the development and implementation of one "large" system could easily expend more resources than five or even 10 "smaller" systems. It is not particularly meaningful to measure output or productivity using the total number of systems. The same generic differences apply to "reports", "projects", and "cases". Accordingly, the figures provided have been slightly adjusted to reflect a quantifiable measure of hypothetical or typical annualized units. At our present level of operation, the output quantifies for both management information systems and litigation support activities are, in actuality, directly related to our servicing or processing capability, which in turn is a function of present personnel and equipment levels. Because the level of input demand for these services increases as users become aware of our increasing servicing potential, a dynamic inequality is created which, as with most service-type organizations, cannot be measured accurately in terms of any logical standardized units. However, by using appropriate backlog numbers, units representing response or turnaround time, and some measure of success or client satisfaction, a reasonable evaluation of our progress can be obtained. Future projections of increases in numbers of users and corresponding equipment, for interactive central file access systems indicate substantial growth through 1983 or 1984 until stable daily system use becomes the normal mode of operation and a leveling off occurs. The increase requested in this document for 1982 not only includes this expanded use of the Civil Rights Division systems support capability but is expected to also mark a peak time in Departmental level systems development and interaction with the Division systems.

This program has supported the execution of Division objectives by furnishing administrative, personnel, financial and facilities services to personnel at headquarters and at temporary duty stations throughout the United States.

The systems support program presents an effective improvement in Division internal management as well as handling data integral to the cases. In response to requests from both Department and Division management, initial designs were completed for several computer-aided litigation resource management information systems including attorney workload analysis, work measurement, and docket listings. Additional types of more cost-effective word processing equipment were installed and are improving support services for the attorney staff and management without requiring an equivalent personnel increase. The development of improved office automation will continue through 1981. By 1982, this program will have developed and implemented a fairly complete systems support capability which will greatly enhance the ability of the Division to fulfill its mission, and manage its resources.

The program also has the direct mission responsibilities to answer citizen complaints and send out criminal non-prosecution notices which together total approximately 5,000 letters per month.

Program Changes: An increase of \$1,278,000 is requested to increase the amount and scope of litigation support and litigation management systems, both major objectives of the Administrative Services Program, to keep pace with advances and progress demonstrated by our litigative adversaries. It should be noted, that this change covers two years of an increase in demand for systems support.

Systems support will be furnished for approximately 40 percent of the cases requiring support. Adequate resources will be required for the complex litigation systems necessary to handle large scale cases such as: (1) Education--Mississippi and Louisiana higher education cases and the Chicago school desegregation case; (2) Employment--

cases in Fairfax County, Virginia, Nassau County, New York and Philadelphia, Pennsylvania, and the Texas Highways case; (3) Institutions--Texas Prisons and the Texas Mental Health Cases. Also, immediate resources are absolutely necessary for the systematization of reporting procedures necessitated by P.L. 96-247, which protects the rights of institutionalized persons, and by Executive Order 12250 which delegates coordination authority for Section 504 of the Rehabilitation Act of 1973, as amended, as well as additional responsibilities under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. In addition, over 25 percent of this request will be applied to systems necessitated by voting rights activities related to post-1980 census responsibilities to assuage the Congress' concern that the Division have adequate resources to respond to this priority. It should be noted that the Division is moving toward more complex, high-impact cases, e.g., credit discrimination, exclusionary land use, etc., which require substantially increased automation usage. Another consideration is that more and more frequently information supplied to the Division (particularly in complex cases) is being furnished in machine readable form only. In these cases the Division has no recourse but to rely on its systems support capabilities.

The funds will be assigned to cases, matters and investigations on a priority basis. The following items will be of first priority: (1) cases already in progress where the information needed is highly numerical or available only in machine readable form, requiring complex statistical analysis, or where the number of documents exceeds 10,000. It should be noted that this is the equivalent of 50,000 pages of information if in paper form and that each reel of standard computer tape can be equated to between 2,000 and 10,000 pages usually with much more highly compacted data; and (2) new large cases or matters with broad ranging impacts which either develop a new area of legislation such as P.L. 96-247 (Civil Rights of Institutionalized Persons Act) or expand traditional civil rights enforcement areas with broad social impact such as state-wide educational issues, discriminatory land use practices, employment pattern and practice cases, and housing and credit violations. Other cases/matters will be furnished support on a priority basis as resources become available. Cost inputs are broken down as follows:

CIVIL RIGHTS DIVISION
Estimated Pages Requiring Processing in 1982

Estimates by Program:

<u>Program</u>	<u>Pages</u>
Civil Rights Prosecution	100,000
Special Litigation	350,000
Voting	450,000
General Litigation	250,000
Federal Enforcement	850,000
Coordination and Review	300,000
Subtotal	2,300,000
Plus 10% for work products	200,000
Total	2,500,000 (1)

(1) This will be reduced 20 percent by additional screening.

I. Document processing handled by a contractor of an additional estimated 20 percent of 2,000,000 pages (based on priority):	
A. Field discovery, screening and transportation pages at .10/page	
B. Analysis and input preparation (assuming 2 to 1 reduction by second screening) based on 7-1/2 pages per document at \$5/document	
C. Keystroke and error check (based on 1-1/2 page surrogate at \$2/page)	
D. Processing and outputs	
E. On-line retrieval (average \$3,000/month)	
F. Other uses, special one-time reports, etc.	
Total	\$350,000
II. Information processing including all phases of contractual support and assistance in the obtaining and systematization of all non-document data:	
A. Data gathering and transportation (not including personnel travel)	
B. Input and verification	
C. Machine readable data handling	
D. Data analysis and outputs	
E. Reports	
F. Data base administration	
Total	\$310,000
III. System design and consulting from an objective outside source will be needed for short periods on several occasions during 1982, both for prospective contemporary system and equipment advice, as well as for evaluation and optimization of our then present system and equipment in direct support of specific case requirements.	
	125,000 (2)
IV. Purchase or leasing of software and systems including installation, specialization, adjustments, modifications, etc., mostly for legal text-oriented data base management systems, packages, etc.	
	50,000
V. Subpoena assistance includes whatever outside support efforts are required in generating our own subpoena duces tecums or responding to such.	
	25,000
VI. Equipment (Leased):	
A. Shared logic word processor, and auxiliary equipment (leased on an annual basis)	
B. Auxiliary word processing equipment	
C. Typewriters, printers, terminals, etc.)	
Total	175,000 (2)
(2) Includes Department Level Litigation Management Systems.	208

VII.	Microform equipment: Readers, hardcopy, storage processors.	35,000
VIII.	Microform service includes workover and supplies: to a large extent this item is controlled by the number of security masters and working copies required.	40,000
IX.	Supplies and lesser equipment	40,000
X.	Administration, reports, updates and previous reports.	40,000 (2)
XI.	Training and professional development includes all tuitions and fees for the various training functions.	25,000
XII.	Maintenance of equipment	30,000
	Grand Total	\$1,245,000 (3)

It should be noted that these figures include funds necessary to upgrade word processing equipment to provide the program with the capability of issuing Criminal Non-Prosecution Notices in a timely and effective manner without endangering its citizen complaint response program.

(2) Includes Department Level Litigation Management Systems.

(3) Includes \$300,000 for voting activities related to the 1980 Census.

Civil Rights Division
Salaries and expenses, General Legal Activities
Priority Rankings of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	Voting	1	Voting
2	Civil Rights Prosecution	2	Coordination and Review
3	Coordination and Review	3	Special Litigation
4	Special Litigation	4	Administrative Services
5	General Litigation	5	Executive Direction and Control
6	Federal Enforcement		
7	Federal Appellate Activity		
8	Indian Rights		
9	Executive Direction and Control		
10	Administrative Services		

Civil Rights Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Special Litigation		Volting		General Litigation		Federal Enforcement		Coordination and Review		Executive Direction and Control		Administrative Serv.		Total	
	Tos.	Amount	Tos.	Amount	Tos.	Amount	Tos.	Amount	Tos.	Amount	Tos.	Amount	Tos.	Amount	Tos.	Amount
<u>Grades</u>																
GS/04-15.....	...	...	...	\$38	...	...	-1	-445	1	445	...	...	...	...	...	...
GS/04-14.....	...	...	1	...	-2	-476	-1	-38	3	114	...	...	...	...	1	\$38
GS/04-13.....	2	\$64	...	...	-1	-32	-1	-32	5	160	...	...	...	...	5	160
GS-12.....	...	...	...	...	-2	-54	-1	-27	2	54	...	...	...	...	-1	-27
GS-11.....	1	22	...	45	...	...	-1	-22	2	45	...	...	...	...	4	90
GS-9.....	...	...	1	19	-1	-19	-2	-37	...	...	...	...	...	...	-2	-37
GS-7.....	...	...	1	15	...	...	...	...	2	30	...	...	...	...	3	45
GS-6.....	...	...	1	14	-3	-41	-2	-27	3	41	...	...	...	...	-1	-13
Total positions and annual rate	3	86	6	131	-9	-222	-9	-228	18	489	...	...	...	...	9	256
Laise (-).....	...	...	-1	-22	...	...	...	...	-2	-54	...	...	...	...	-3	-76
Temporary employment.....	...	...	8	105	...	...	...	...	...	...	...	...	...	...	8	105
Total workyears and personnel compensation.....	3	86	13	214	-9	-222	-9	-228	16	435	...	...	...	...	14	285
Personnel benefits.....	...	8	...	19	-20	-20	-20	-20	...	39	...	...	...	...	...	26
Travel and transportation of persons.....	...	165	...	160	-15	-15	-15	-15	...	170	200	200	25	...	...	690
Transportation of things.....	...	4	...	...	...	...	...	...	...	43	...	...	8	...	18	...
Standard level user charges.....	...	6	...	19	-17	-17	-15	-15	...	...	...	...	...	...	...	36
Other rent, communications and utilities.....	...	5	...	20	-3	-3	-5	-5	...	27	...	...	260	...	304	...
Printing and reproduction.....	...	5	...	13	-1	-1	-2	-2	...	26	...	...	...	...	41	...
Other services.....	...	110	...	40	-7	-7	-8	-8	...	40	...	...	935	...	1,110	...
Supplies and materials.....	...	2	...	7	-1	-1	-1	-1	...	10	...	...	50	...	67	...
Equipment.....	...	7	...	20	-1	-1	...	...	...	35	...	...	36	...	97	...
Total workyears and charges, 1962.....	3	336	13	516	-9	-287	-9	-294	16	829	...	200	...	1,314	14	2,674

DEPARTMENT OF JUSTICE

Legal Activities

Salaries and expenses, General Legal Activities

Proposed Amendment, Fiscal Year 1982

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Program and Financing Schedule.....	10
Schedule of Object Classification.....	12
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Detail of Permanent Positions.....	14

DEPARTMENT OF JUSTICE

Legal Activities

Salaries and expenses, General Legal Activities

Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-114	Salaries and expenses, General legal activities.....	\$133,552,000	-46,416,000	\$127,136,000

This amendment reduces the request for personnel-related costs. A proposed transfer of the INTERPOL function is included.

The 1982 authorization bill has been prepared by the Department and is awaiting approval.

Legal Activities
Salaries and expenses, General Legal Activities
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	2,998	2,962	\$133,552
Proposed amendment.....	-239	-156	-6,416
Revised request.....	2,759	2,806	127,136

Explanation of Request

This amendment provides for implementing the provisions of the Administration's Economic Recovery Program. This amendment reduces personnel and provides increases for INTRROL and litigation support.

Legal Activities
Salaries and expenses, General Legal Activities

Summary of Requirements
(Dollars in thousands)

Comparison by Activity	1982 Request		1982 Proposed		1982 Revised	
	Pending Pos.	WY Amt.	Amendment Pos.	WY Amt.	Request Pos.	WY Amt.
1. Conduct of Supreme Court proceedings and review of appellate matters.....	47	51 \$3,012	-2	...	45	51 \$3,012
2. General tax matters.....	575	576 22,576	-34	-19 \$152	541	557 22,728
3. Criminal matters.....	827	759 33,738	-55	4 1,291	772	763 35,029
4. Claims, customs and general civil matters.....	660	713 29,689	-20	-40 -776	640	673 28,913
5. Land, natural resources and Indian matters.....	407	378 22,465	-71	-65 -4,806	336	313 17,659
6. Legal opinions.....	37	39 1,793	-2	...	35	39 1,793
7. Civil rights matters.....	445	446 20,279	-55	-36 -2,277	390	410 18,002
Total requirements.....	2,998	2,962 133,552	-239	-156 -6,416	2,759	2,806 127,136

Legal Activities
Salaries and expenses, General Legal Activities
Justification of Requirements
(Dollars in thousands)

Comparison by Activity	1982 Proposed Amendment		Transfer from General Administration for IMPRROL	Program Increase IMPRROL		Adjust. of Annualization		Presidential Reduction in Employment		Elimination of Program Increases in January Estimates		Restoration of Resources to Criminal Division		Decrease for Environmental Litigation	
	Pos.	WY Amt.		IMPRROL	IMPRROL	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Conduct of Supreme Court proceedings and review of appellate matters.....	-2	...	...	...	...	...	...	-2	...	...	...	...	...	...	...
General tax matters.....	-34	-19	152	...	...	\$172	-18	-33	-18	-1	-420	...	...	...	...
Criminal matters.....	-55	4 1,291	\$475	\$320	...	...	-8	-64	-8	...	...	9	12 \$196	...	...
Claims, customs and general civil matters.....	-20	-40	-776	...	...	...	-20	-40	-20	...	-776	...	...	...	...
Land, natural resources and Indian matters.....	-71	-65	-4,806	...	...	-167	-2	-2	-2	-22	-1,927	...	...	-47	-42,712
Legal opinions.....	-2	...	...	...	...	...	-2	-2	-2	...	...	...	...	...	...
Civil rights matters.....	-55	-36	-2,277	...	...	...	-46	-22	-46	-9	-2,277	...	...	...	...
Total requirements.....	-239	-156	-6,416	475	320	5	-169	-90	-32	-31	-5,000	9	12 496	-47	-2,712

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Request	Amendment	Request	Pos.	Yr. Amount
Item: Transfer from General						
Administration for INTERPOL.....	\$475

In 1981, the International Criminal Police Organization (INTERPOL) is proposed to be transferred from the Office of the Deputy Attorney General. In the General Administration appropriation to the Criminal Division in the General Legal Activities appropriation. INTERPOL was established in 1975 to promote mutual assistance between criminal police authorities of member nations for the prevention and suppression of international crime through the exchange of criminal justice information. In order to provide the Criminal Division with funds necessary for dues associated with the United States' membership in INTERPOL for 1982, a total of \$475,000 is requested to be transferred from the General Administration's appropriation base to the General Legal Activities. It should be noted that the Criminal Division's amended budget reflects a reallocation of six positions and an additional \$264,000 of its own resources for the INTERPOL function in 1982.

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Request	Amendment	Request	Pos.	Yr. Amount
Item: Program Increase - INTERPOL.....	\$320

An amendment to the 1982 budget request for the Criminal Division is requested to include a program increase totaling \$320,000. This increase of funds is proposed for INTERPOL, a function proposed for transfer from the General Administration appropriation to the Criminal Division in 1981. Of the \$320,000 increase requested, \$295,000 is to be directed for the payment of a case tracking system vital to the exchange of international criminal justice information, and \$25,000 for the increase in dues expected for the United States' membership in INTERPOL in 1982. The 1982 budget submitted in January, under General Administration, had sought a program increase of six positions and \$484,000 for INTERPOL; this reduced request limits the need to the funding described above.

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	WY	Pos.	WY	Pos.	WY
	Amount		Amount		Amount	
Item: Adjustments of annualization.....
						\$5

The funding changes represent technical adjustments necessitated by the Administration's revised allowances. The change is a net of changes in the Tax Division and the Land and Natural Resources Division for annualization.

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	WY	Pos.	WY	Pos.	WY
	Amount		Amount		Amount	
Item: President's reduction in employment.....
						-90
						-169

The revised 1982 budget for the General Legal Activities includes a reduction of 169 positions and 90 workyears. The revised request reflects the Administration's objective of improving the nation's economy and balancing the budget by means of a reduction in the levels of federal employment. By activity, the reductions in the General Legal Activities are allocated as follows:

Activity	Perm	WY
	Pos.	
Conduct of Supreme Court pro-		
ceedings and review of appellate		
matters.....	-2	...
General tax matters.....	-33	-18
Criminal matters.....	-64	-8
Claims, customs and general		
civil matters.....	-20	-10
Land, natural resources and Indian		
matters.....	-2	-2
Legal opinions.....	-2	...
Civil rights matters.....	-16	-22
Total.....	-169	-90

The effect of this decrease on the conduct of the Department's litigation will not be as great as the magnitude of the numbers suggests, primarily because the revised position levels approximate the current actual on-board strength of the legal activities. As a result, by present standards, neither the quality nor the quantity of the Department's litigative effort should suffer. The work-year reductions reflect an attempt to bring them in line with approved end-of-year ceilings.

Item:	1982 Request		1982 Proposed		1982 Revised	
	Pending Perm.	Amount	Amendment Perm.	Amount	Request Perm.	Amount
Elimination of program increases in January estimates.....	32	\$1 \$6,187	-32	-31 -\$5,000	...	...
					...	\$1,187

Item: Elimination of program increases in

Within the revised 1952 allowance provided by the Administration, the Department has elected to first maintain the base program for each of the organizations within the appropriation and apply the remaining \$1,187,000 to fund a portion of the increases requested for litigation support. The 1952 budget submitted in January included net program changes of \$7,691,000. Of this amount, \$3,939,000 was for litigation support activities within three of the legal divisions. The distribution of the initial and revised requests is shown below.

	<u>Initial Request</u>	<u>Reduction</u>	<u>Revised Request</u>
Civil Division.....	\$1,122	\$776	\$346
Land and Natural Resources Division..	1,503	-1,059	444
Civil Rights Division.....	1,314	-917	397
	<u>3,939</u>	<u>-2,752</u>	<u>1,187</u>

The Civil Division's original increase was to fund the acquisition of word processing equipment to improve productivity and enhance litigation support. The enhancement would permit the rental of technologically current equipment to support the efficient preparation of legal documents and correspondence and to reduce overtime. With this needed increase, the Division will initiate efforts to acquire time-saving equipment which would permit the application of clerical activities to other litigative support functions, such as legal research, and case and file organization to help attorneys in the formulation and presentation of cases, thereby avoiding unnecessary additional clerical overtime.

The Land and Natural Resources Division's original request provided for an enhanced ADP capability to permit long-range planning and system development to handle litigation support requirements for the large cases opened during 1990 and anticipated for 1991 and 1992. The revised request will provide the minimum ADP support for the largest or highest-priority cases.

The Civil Rights Division's original request was to increase the amount and scope of litigation support being provided to the more complex cases within all the Division's programs. The revised request would permit support to systems necessary for voting rights activities related to post-1980 census responsibilities under the Voting Rights Act of 1965, as well as to several other division programs.

1982 Request			1982 Proposed			1982 Revised		
Pending			Amendment			Request		
Pos.	Yr	Amount	Pos.	Yr	Amount	Pos.	Yr	Amount
-9	-12	-\$496	9	12	\$496	..	..	..

Item: Restoration of resources to Criminal Division...

A decrease for the Criminal Division is no longer requested. Resources are provided the Fraud program which offset the decreases proposed for Federal Appellate Activity. Smaller realignments of resources within certain other programs are also proposed.

1982 Request			1982 Proposed			1982 Revised		
Pending			Amendment			Request		
Pos.	Yr	Amount	Pos.	Yr	Amount	Pos.	Yr	Amount
47	47	\$2,712	-47	-47	-\$2,712	...	...	...

Item: Decreases for environmental litigation...

A 1981 supplemental request for 47 positions, 47 workyears and \$2,712,000 was pending for the Land and Natural Resources Division. These requested resources were to: create an Environmental Enforcement Section to enforce existing pollution control laws; create an Energy Section to centrally handle energy-related litigation; conduct defense of Ocas land claims; meet Congressional mandates under the Uranium Mill Tailings Radiation Control Act of 1978; and allow for requisite litigation support, administrative support and additional travel requirements.

The Administration's effort to reduce federal spending and limit employment has resulted in the withdrawal of the proposed supplemental. To minimize adverse effects from this decision, the Land and Natural Resources Division has distributed the reduction among all its programs, taking into account both workload and current on-board employment. These reductions affect primarily the areas of environmental protection; land acquisition; policy, legislation and special litigation; and general litigation.

Legal Activities
Salaries and expenses, General Legal Activities
Financial Analysis
(dollars in thousands)

Grade and object class	Transfer from General Administration for INTERPOL		Program Increase Annual-INTERPOL		Adjust. of		Presidential Reduction in Employment		Elimination of Program Increases in January Estimates		Restoration of Resources to Criminal Division		Decrease for Environmental Litigation	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
OS/M-15.....	-24						-1		-12				-11	
OS/M-14.....	-9						-3		-1				-9	
OS/M-13.....	-17						-11		-6				-3	
OS-12.....	-9						-11		1				-1	
OS-11.....	-43						-34		-5				-4	
OS-9.....	-12						-4		-5				-3	
OS-8.....	-9						-8		..				-1	
OS-7.....	-26						-13		-2				-11	
OS-6.....	-35						-33		..				-2	
OS-5.....	-28						-24		-2				-2	
OS-4.....	-20						-20		..				..
OS-3.....	-3						-3		..				..
OS-2.....	-4						-4		..				..
Total positions and annual rates.....	-239	-33,430	..				-169	-1,530	-32	-41,007	9	301	-47	-41,352
Lapse.....	97	1,680	..				85	1,530	9	263	3	87	..	
Positions other than permanent.....	-14	-105	..				-6	..	-8	-105	..	..	..
Special personal services payments.....	..	-92	..				..	..	..	-23	..	..	..
Total workyears and personnel compensation.....	-156	-1,747	..				-90	..	-31	-372	12	388	-47	-1,421
Personnel benefits.....	..	-1,158	..				..	..	..	-81	..	..	..
Travel and transportation of persons.....	..	-1,422	..				..	..	..	-795	..	..	-129	
Transportation of things.....	..	-20	..				..	..	..	-20	..	..	-645	
Standard level user charges.....	..	-137	..				..	..	..	-66	..	..	..
Communications, utilities, and other rent.....	..	-1,041	..				..	..	..	-963	..	..	-94	
Printing and reproduction.....	..	-99	..				..	..	..	-58	..	..	-98	
Other services.....	..	-1,713	..				..	..	..	-1,933	..	..	-47	
Supplies and materials.....	..	-59	..				..	..	..	-43	..	..	-24	
Equipment.....	..	-20	..				..	..	..	-119	..	..	-4	
Total workyears and obligations, 1982.....	-6,416	\$475	320	5	..	..	..	..	-5,000	..	..	..	-2,712	

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
Program and Financing (in thousands of dollars)

<u>Identification code</u>	<u>1982 Request Pending</u>	<u>1982 Proposed Amendment</u>	<u>1982 Revised Request</u>
15-0128-0-1-752			
<u>Program by activities:</u>			
Direct program:			
1. Conduct of Supreme Court proceedings and review of appellate matters.....	3,012	...	3,012
2. General tax matters.....	22,576	152	22,728
3. Criminal matters.....	33,738	1,291	35,029
4. Claims, customs and general civil matters.....	29,689	-776	28,913
5. Lands, natural resources and Indian matters.....	22,465	-4,806	17,659
6. Legal opinions.....	1,793	...	1,793
7. Civil rights matters.....	20,279	-2,277	18,002
Total direct programs.....	133,552	-6,416	127,136
Reimbursable program.....	1,101	...	1,101
10.00 Total program costs, funded-obligations <u>1/</u>	134,653	-6,416	128,237
<u>Financing:</u>			
11.00 Offsetting collections from Federal funds.....	-1,101	...	-1,101
39.00 <u>Budget authority</u>	133,552	-6,416	127,136
<u>Budget authority:</u>			
40.00 <u>Appropriation</u>	133,552	-6,416	127,136

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
Program and Financing (in thousands of dollars)

Identification code	1982	1982	1982
	Request Pending	Proposed Amendment	Revised Request
15-0128-0-1-752			
<u>Budget Authority:</u>			
Relation of obligations to outlays:			
71.00 Obligations incurred, net.....	133,552	-6,416	127,136
72.40 Obligated balance, start of year.....	14,625	...	14,625
74.40 Obligated balance, end of year	-17,692	...	-17,692
90.00 Outlays, excluding pay raise supplemental.....	130,308	-6,416	123,892
91.20 Outlays from civilian pay raise supplemental.....	177	...	177
1/ Includes capital investment for 1981: \$1,042 thousand.			

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

OBJECT CLASSIFICATION (in thousands of dollars)			
Identification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-0128-0-1-752			
Personnel compensation:			
11.1 Permanent positions.....	82,857	-1,550	81,307
11.3 Positions other than permanent.....	2,192	-105	2,087
11.5 Other personnel compensation.....	824	...	824
11.8 Special personal services payments.....	1,363	-92	1,271
Total personnel compensation.....	87,236	-1,747	85,489
Personnel benefits:			
12.1 Civilian.....	7,990	-158	7,832
13.0 Benefits for former personnel.....	10	...	10
21.0 Travel and transportation of persons.....	9,484	-1,422	8,062
22.0 Transportation of things.....	233	-20	213
23.1 Standard level user charges.....	7,109	-137	6,972
23.2 Communications, utilities and other rent.....	6,787	-1,041	5,746
24.0 Printing and reproduction.....	2,411	-99	2,312
25.0 Other services.....	9,744	-2,188	7,556
26.0 Supplies and materials.....	1,118	416	1,534
31.0 Equipment.....	1,410	-20	1,390
32.0 Lands and structures.....			
33.0 Investments and loans.....			
41.0 Grants, subsidies, and contributions.....			
42.0 Insurance claims and indemnities.....			
43.0 Interest and dividends.....			
44.0 Refunds.....			
91.0 Unvouchered.....	20	...	20
Total direct obligations.....	133,552	-6,416	127,136
Total reimbursable obligations.....	1,101	...	1,101
99.0 Total obligations.....	134,653	-6,416	128,237

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

PERSONNEL SUMMARY

<u>Mentidation code</u>	<u>1982</u>	<u>1982</u>	<u>1982</u>
<u>15-0128-0-1-752</u>	<u>Request</u>	<u>Proposed</u>	<u>Revised</u>
	<u>Pending</u>	<u>Amendment</u>	<u>Request</u>
Direct:			
Total number of full-time permanent positions.....	2,998	-239	2,759
Total compensable workyears:			
Full-time equivalent employment...	2,962	-156	2,806
Full-time equivalent of overtime and holiday hours.....	36	...	36
Average ES salary.....	\$49,998	-\$49,998	\$50,293
Average GS grade.....	10.31	-8.77	10.45
Average GS salary.....	\$26,567	-\$21,088	\$26,282
Reimbursable:			
Total number of full-time permanent positions.....	6	...	6
Total compensable workyears:			
Full-time equivalent employment...	6	...	6
Full-time equivalent of overtime and holiday hours.....	0	...	0
Average GS grade.....	8.00	...	8.00
Average GS salary.....	\$22,817	...	\$22,817

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

15-0128-0-1-752	DETAIL OF PERMANENT POSITIONS		
	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Executive Level III.....	1	...	1
Executive Level IV.....	6	...	6
Subtotal.....	7	...	7
ES-5.....	7	...	7
ES-4.....	73	...	73
ES-3.....	14	...	14
ES-2.....	13	...	13
ES-1.....	2	...	2
GS/GM-15.....	397	-24	373
GS/GM-14.....	421	-9	412
GS/GM-13.....	355	-17	338
GS-12.....	276	-9	267
GS-11.....	214	-43	171
GS-10.....	4	...	4
GS-9.....	117	-12	105
GS-8.....	94	-9	85
GS-7.....	346	-26	320
GS-6.....	275	-35	240
GS-5.....	217	-28	189
GS-4.....	102	-20	82
GS-3.....	49	-3	46
GS-2.....	15	-4	11
Subtotal.....	2,991	-239	2,752
Ungraded.....	...	...	...
Total permanent positions.....	2,998	-239	2,759
Unfilled positions, Sept. 30.....	-164	-95	-69
Total permanent employment, end of year...	(Memo est: 4.9) 2,834	(Memo est: 4.8) -144	(Memo est: 4.7) 2,690 Per DOJ

GENERAL STATEMENT

Mr. HIGHTOWER. The request for fiscal year 1982 is \$127,136,000. This amount is an increase of \$1,507,000 over the base amount. We will insert your prepared statement at this point in the record and be happy to hear from you as you may desire.

[Mr. Rooney's prepared statement follows:]

GENERAL LEGAL ACTIVITIES

STATEMENT OF ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION KEVIN D. ROONEY

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the General Legal Activities appropriation. The request of 2,759 positions and \$127,136,000 represents a reduction of 169 positions and an increase of \$6,170,000 over the anticipated 1981 appropriation of 2,928 positions and \$120,966,000. The increase in funding includes \$4,663,000 in the following adjustments to the base: a \$475,000 transfer from the General Administration appropriation to the Criminal Division for the INTERPOL function; non-recurring decreases of \$990,000 for 1981 supplementals; and uncontrollable increases of \$5,178,000. These uncontrollable increases consist primarily of pay annualization and within-grade increases, space rental, telephone and telecommunications charges, air fair and mileage increases, and general pricing level adjustments. In addition, there are program increases totaling \$1,507,000, of which \$1,187,000 is for litigation support systems for three of the legal divisions, and \$320,000 is for INTERPOL.

The Acting Assistant Attorneys General of the five legal divisions within the General Legal Activities appropriation are here with me today to respond to any specific questions you may have about their programs. They are John F. Murray of the Tax Division; Thomas S. Martin of the Civil Division; John C. Keeney of the Criminal Division; Anthony C. Liotta of the Land and Natural Resources Division; and James T. Turner of the Civil Rights Division.

I should also note that, unlike last year, the Antitrust Division's budget is not incorporated into the General Legal Activities appropriation; it is treated as a separate appropriation, and the Acting Assistant Attorney General for Antitrust will appear before the subcommittee in support of the Division's request. I do call your attention, however, to the fact that the Attorney General is proposing that the Antitrust Division appropriation be merged into the General Legal Activities appropriation to provide him more flexibility in managing the Department's litigation resources.

POSITION REDUCTION

The 1982 request represents a reduction of 169 positions in the General Legal Activities, as a result of the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. The effect of these reductions on the conduct of the Department's litigation will not be as adverse as the magnitude of the numbers suggests, however, primarily because the new position level approximately reflects the current on-board strength of the legal activities as a whole. Moreover, with the program increases for litigation support activities, the continued application of modern technology to the management of the Department's litigation should produce savings and efficiencies. Therefore, neither the quality nor quantity of our current litigation efforts should suffer, and the Department will continue to accomplish its national criminal law enforcement objectives and to effectively defend the Government in the courts.

Before Mr. Murray presents his statement, Mr. Chairman, permit me to summarize briefly the requests of the two smallest organizations within the General Legal Activities appropriation—the Office of the Solicitor General and the Office of Legal Counsel. The Office of the Solicitor General is requesting 45 positions and \$3,012,000, a reduction of two positions and an uncontrollable increase of \$123,000 from the 1981 level. The Office of Legal Counsel 1982 request is for a total of 35 positions and \$1,793,000, a reduction of two positions and an uncontrollable increase of \$46,000 from the 1981 level.

This concludes my statement, Mr. Chairman. I will be pleased to answer any questions you or other members of the subcommittee may have.

Mr. ROONEY. Thank you, Mr. Chairman. I think you have summarized the appropriation request quite completely. I just want to indicate that I have with me today the five Acting Assistant Attorneys General for each of the legal divisions within the appropriation, and each of them is prepared to discuss in detail his specific request.

To identify each of these people: John Murray is here from the Tax Division, Thomas Martin of the Civil Division, John Keeney of the Criminal Division, Anthony Liotta of the Land and Natural Resources Division, and James Turner of the Civil Rights Division. I will, of course, be pleased to answer any appropriation-level questions or anything else you would like me to discuss.

ALIEN PROPERTY FUND

Mr. HIGHTOWER. The proposed appropriation language deletes transfer of funds from World War II. What is the reason for that change?

Mr. ROONEY. The basic reason for that change, Mr. Chairman, is that the program has been completed, and the disposition of all the claims against the fund have been resolved, and therefore we don't need any resources for fiscal year 1982.

MERGER OF ANTITRUST DIVISION

Mr. HIGHTOWER. I see on page 2 of your statement that the Attorney General is proposing that the Antitrust Division appropriation be merged into the General Legal Activities appropriation. Last year a similar proposal was made to the Congress and rejected. In light of that action, why is the Attorney General making this proposal again?

Mr. ROONEY. Basically, Mr. Chairman, we did not initially propose that. It was a decision made by the new Attorney General upon reviewing the budget reductions made by President Reagan, that by merging the Antitrust Division appropriation into the General Legal Activities appropriation it would provide him a great deal more flexibility, whether any division is understaffed or overstaffed, to move the resources around. The Antitrust Division, frankly, is the largest division that we have. This would allow him a great deal more flexibility.

Mr. HIGHTOWER. How long has the Antitrust Division been set up as a separate appropriation, do you recall?

Mr. ROONEY. As long as I can recall. I can provide that, but it has been at least a decade.

[The information follows:]

INCEPTION OF THE ANTITRUST DIVISION APPROPRIATION

The activities of the Antitrust Division have been separately appropriated since 1903.

Mr. HIGHTOWER. Is the division with which it is being merged number two in size?

Mr. ROONEY. All of the other five divisions are funded out of the General Legal Activities appropriation. The Antitrust Division being the only legal division that is not. So this would put them all in the same appropriation and allow flexibility.

Mr. HIGHTOWER. The only change it really represents is just a bookkeeping procedure?

Mr. ROONEY. Yes, that is right, Mr. Chairman. Right now if there were to be any transfers in resources from Antitrust to any of the other divisions or vice versa, it would require a specific act of Congress. This way it would just require notification under the reprogramming provisions.

Mr. HIGHTOWER. How was this proposal to be submitted to the Congress?

Mr. ROONEY. We will be communicating with Chairman Smith and the Senate Appropriations Subcommittee by letter, and we have included it in the authorization bill which was just submitted last week to the House and Senate Judiciary Committees.

REVISED BUDGET REQUEST

Mr. HIGHTOWER. The revised budget request is \$6,416,000 below the original request for fiscal year 1982 of \$133,552,000. This reduction also reflects a reduction of 239 positions for the legal divisions. How many of these positions are filled at the present time? How would the Department eliminate those positions in order to get down to the end of the year ceiling for fiscal year 1982?

Mr. ROONEY. Mr. Chairman, the new ceiling for the end of fiscal year 1982 is at a level which we are currently 29 over and it obviously would require some greater decreases in some divisions than in others. Some divisions are actually below the new ceiling level that would be imposed by the end of fiscal year 1982, but as the Attorney General mentioned this morning, it is effectively the on-board level that we are talking about. Normal attrition certainly would take care of that even by the end of this year.

Mr. HIGHTOWER. Aside from the Administration's proposal to reduce the budget, is there any program justification for the proposed reduction?

Mr. ROONEY. Not specifically, Mr. Chairman. It is perhaps another way of stating the reduction in the President's program to reduce the federal budget, but stated in a way which maintains the current level of effort and does not request increases to combat the workload.

Mr. HIGHTOWER. Page 3 of the revised justifications indicates that the proposed reduction from the original request will be applied to each of the activities of this appropriation, and will affect the Tax Division, the Criminal Division, Land and Natural Resources Division and the Civil Rights Division most heavily. Are the workloads in these divisions going down for fiscal year 1982?

Mr. ROONEY. No, I don't think it would be fair to characterize it as that, Mr. Chairman. The principal reductions relate to organizations to be required to come down from their current on-board levels, principally in the Tax Division and the Lands Division. It is simply a matter of—Mr. Murray will be here to address the Tax Division in greater detail—hopefully looking towards a greater number of settlements out of court in the tax area, and, with regard to the Lands Division, essentially the Administration's position is to end the growth which has occurred in that division over the last several years.

Mr. HIGHTOWER. Mr. O'Brien, do you have any questions at this point?

Mr. O'BRIEN. No questions.

Mr. HIGHTOWER. Mr. Alexander?

Mr. ALEXANDER. No questions.

TUESDAY, MARCH 24, 1981.

TAX DIVISION

WITNESSES

JOHN F. MURRAY, ACTING ASSISTANT ATTORNEY GENERAL, TAX DIVISION

EARLE M. McCONN, JR., EXECUTIVE OFFICER, TAX DIVISION

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER. Would you now like to present the Acting Assistant Attorney General of the Tax Division?

Mr. ROONEY. Mr. Chairman, the Acting Assistant Attorney General for the Tax Division is Mr. John Murray. He is now here with me.

GENERAL STATEMENT

Mr. HIGHTOWER [presiding]. We are pleased to have you, Mr. Murray. We will be glad to hear whatever you would like to say at this time. You have the statement there?

Mr. MURRAY. Thank you, Mr. Chairman and members of the subcommittee. I have a prepared statement, of which I have copies. I will submit it for the record.

Mr. HIGHTOWER. We will include the full statement for the record.

[Mr. Murray's prepared statement follows:]

STATEMENT OF MR. JOHN F. MURRAY, ACTING ASSISTANT ATTORNEY GENERAL,
TAX DIVISION

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you in support of the Tax Division's 1982 budget request for \$22,728,000 and 541 positions. The budget provides for uncontrollable increases in the amount of \$787,000 to maintain current operating levels and provides for a program decrease of 33 positions and a decrease of \$90,000 for non-recurring items.

The Division's 1982 request is based primarily on an evaluation of both case loads and attorney workloads, rather than the initiation of new programs in response to executive or legislative mandates.

The funds requested for 1982 are absolutely essential if the Division is to minimally fulfill its litigative and associated responsibilities in an effective manner. This total request is the product of a thorough and exhaustive Division effort to identify its resource requirements with an unprecedented degree of precision.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or other members of the subcommittee may have.

POSITION REDUCTION

Mr. HIGHTOWER. We will be happy to have any additional comments you may wish to make.

Mr. MURRAY. You asked Mr. Rooney about the reduction of programs and whether it is consistent with the reduction in positions. The Tax Division under the proposed budget calls for a reduction of 33 positions to an authorized strength of 541 positions, and we believe that through proper management of our cases, and direction of our resources toward the most important cases, we can continue to provide the type of legal services which we are expected to at the reduced funding level. We are taking our 33 positions ratably out of our appellate activity, our criminal activity and our civil trial activity.

Mr. HIGHTOWER. Are you saying, then, that you can lose 33 positions without having any program effect?

Mr. MURRAY. That is correct.

Mr. HIGHTOWER. And you do not intend to reduce any program or any involvement that you now have because of the loss of these positions?

Mr. MURRAY. Not really. Basically, we respond to suits brought by taxpayers against the IRS, and we bring suits on behalf of IRS against taxpayers, both in the civil and in the criminal area. This type of work goes on regardless of funding, and we believe we will be able to handle it.

REPROGRAMMING

Mr. HIGHTOWER. Do you borrow someone from another division on occasion when its workload is higher than anticipated and new cases have come in at an unanticipated rate?

Mr. MURRAY. Mr. Chairman, no, I don't believe we have ever borrowed money or people, at least not in my recollection. I guess like any large law firm, I think you just sort of have to make do with what you have at the time, and hope that if the caseload increases, that next year in your budget justification you can make a case for more people.

FILLED POSITIONS

Mr. HIGHTOWER. How many of these positions are filled at the present time?

Mr. MURRAY. We presently have an on-board strength of approximately 560, so we are one of the two divisions which are currently over our fiscal year 1982 authorized strength. We anticipate that normal attrition will take care of that before the end of the fiscal year.

Mr. HIGHTOWER. If you get to the end of the fiscal year and attrition has not taken care of it, what will be your solution?

Mr. MURRAY. We hope there is a helping hand somewhere within the Department.

Mr. HIGHTOWER. You will cross that bridge when you come to it?

Mr. MURRAY. That is right. I am certainly not going to say I am—

Mr. HIGHTOWER. I understand that kind of talk.

Mr. MURRAY. Thank you, Mr. Chairman.

WHITE-COLLAR CRIME

Mr. HIGHTOWER. In recent years the Department of Justice has concentrated on programs to reduce white-collar crime. How will a reduction in forces for criminal tax prosecutions, which you are proposing in this budget, help in that effort?

Mr. MURRAY. We have recently put into effect a system which we hope streamlines our handling of criminal matters, so that we can indeed focus more on white-collar crime. The system, if I may just summarize it, is that before anyone may be indicted for a tax crime, the Attorney General has to approve the seeking of that indictment, so that every time IRS wants to accuse anyone of a tax crime, it has to come through the Tax Division.

Now, some of these, of course, are of major importance and need a lot of review and consideration. Others are fairly minor and routine. We recently implemented a procedure to separate routine cases and send them on to the U.S. Attorney's office with very cursory—I shouldn't say cursory, but with limited review—thereby saving our resources for the larger cases.

In conjunction with this, we have formed a new task force, with the Criminal Division, to deal with narcotics and white-collar crime in a more coordinated basis, because those types of crime normally have a tax implication involved in them. It is through generally refocusing of the use of our existing resources rather than suffering from the losing of 7 positions in the criminal area.

WATERGATE FILES

Mr. HIGHTOWER. With the Watergate Special Prosecutor's Office closed down, did your Division receive any files for further attention or action?

Mr. MURRAY. I will have to supplement the record with that, Mr. Chairman.

[The information follows:]

The Tax Division's Criminal Section received files concerning two cases when the Watergate Special Prosecutor's Office closed. Both of these cases were transferred with memoranda recommending "no prosecution," with which the Division concurred.

Mr. HIGHTOWER. As far as you know, none are still pending?

Mr. MURRAY. I would be sure that is true, there are none still pending.

Mr. HIGHTOWER. Thank you very much, Mr. Murray, for your testimony.

Mr. Chairman, do you have any questions?

Mr. SMITH. No.

TUESDAY, MARCH 24, 1981.

CRIMINAL DIVISION

WITNESSES

JOHN C. KEENEY, ACTING ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
JAMES W. MUSKETT, DIRECTOR, OFFICE OF ADMINISTRATION

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. We will now move on to the Criminal Division, Mr. John C. Keeney, Acting Assistant Attorney General.

GENERAL STATEMENT

Mr. KEENEY. Mr. Chairman, I have a prepared statement we would like to submit for the record, if we may.

Mr. HIGHTOWER. We will insert it in the record.

[Mr. Keeney's prepared statement follows:]

STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, JOHN C. KEENEY

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the Criminal Division, General Legal Activities appropriation. The request of 772 positions and \$35,029,000 represents a decrease of 64 positions and an increase of \$2,465,000 over the anticipated fiscal year 1981 appropriation of 836 positions and \$32,564,000. The increase in funding includes uncontrollable increases totalling \$1,670,000, a transfer of \$475,000 from the General Administration appropriation for the International Criminal Police Organization (INTERPOL), and a program increase of \$320,000 for INTERPOL.

The 64 position decrease is accompanied by a decrease of 17 workyears which brings into closer alignment the number of authorized positions with the number of workyears actually affordable. Furthermore, the affordable workyears will closely correspond to the number of staff on-board by the end of this fiscal year. The decreases have been allocated in an equitable fashion to our several programs and should result in only a marginal decrease in program activities from those currently underway.

The INTERPOL program is proposed for transfer in April 1981 from the Office of the Deputy Attorney General to the Criminal Division to remove line operations from that staff organization. The \$475,000 transfer in 1982 will support most of the organization's annual dues. Of the \$320,000 increase requested, \$25,000 is for an increase in 1982 membership dues, and \$295,000 is for the continuation of ADP services, including INTERPOL's case tracking system to exchange international criminal justice information. The Criminal Division will reallocate six positions and \$264,000 of its 1982 resources for the INTERPOL function which will bring total 1982 INTERPOL resources to 6 positions and \$1,059,000.

This concludes my statement, Mr. Chairman. I shall be happy to answer any questions you or other members of the subcommittee may have.

IMPACT OF BUDGET REDUCTIONS

Mr. KEENEY. In response to your question as to the impact of the budget on the Criminal Division, we are losing 64 positions, Mr. Chairman, but in terms of workyears, the actual loss is only 17, so the impact on the Criminal Division is not quite as dramatic as the position figure might indicate. In addition to that, we have cut back on our hiring so that as of today we will only have to drop 8 personnel to be within the ceiling.

EFFECTS OF REDUCTIONS ON CASE SELECTION

Mr. HIGHTOWER. What effect will these reductions have in accomplishing the priorities of the Department, especially in light of the FBI devoting more resources to those areas and thus creating more prosecutable cases?

Mr. KEENEY. Mr. Chairman, we are concentrating on what we call quality cases. As you may know, the number of cases that are going through the criminal justice system, at least those that we are responsible for, has been decreasing because of the emphasis on quality over quantity. We are hopeful that we can meet our responsibilities with the proposed budget.

Mr. HIGHTOWER. What are the criteria for a quality case as opposed to a nonquality case?

Mr. KEENEY. A quality case is a case that involves somebody who has been active in criminal activity over a period of years, a significant amount of money, substantial harm to society, things like that. As you may know, Mr. Chairman, the Attorney General last year adopted guidelines which he called the Attorney General's national white-collar crime priorities. White-collar crime is basically fraud and public corruption. He set out six categories and subcategories within them some of which have a monetary limitation, others without a monetary limitation. Cases within those criteria would be considered quality cases.

These are not the only quality cases; however, these are the very high quality cases. There are many quality cases that would be of lesser magnitude, either moneywise or impactwise, that would still qualify as quality cases.

Mr. HIGHTOWER. Would the amount of publicity that a case has received have something to do with its determination as a quality case?

Mr. KEENEY. Not normally, Mr. Chairman, except for the deterrent effect that publicity has. When you get somebody involved in a fraud scheme, and it seems that that type of fraud scheme is fairly widespread, the fact that a case is brought and the publicity attendant to that should have a deterrent impact.

Mr. HIGHTOWER. If a lot of money is involved, but a careful evaluation of the evidence raises considerable doubt in the mind of the prosecutor as to whether he could survive a motion for instructed verdict, would that still be a quality case?

Mr. KEENEY. That would not be a quality case, because it would have evidentiary deficiencies. That may be a quality case within the civil process or maybe within the administrative process in one of the agencies, if we are dealing with some sort of a program fraud situation.

Mr. HIGHTOWER. So in order for it to be a quality case, you must feel like you have got a good case from the standpoint of getting a conviction from a jury?

Mr. KEENEY. Yes, sir, that is basic. The first threshold we have to cross is the probability of conviction, and after that, we look at it in terms of what is involved in the way of people and in the way of money.

PROPOSED ORGANIZED CRIME REDUCTION

Mr. HIGHTOWER. With respect to the proposed reduction of 17 positions in the organized crime area, this does not seem to be in line with the intent to concentrate on violent crimes, which we know organized crime is prone to be. What do you believe the impact of this reduction will be?

Mr. KEENEY. The net reduction actually in workyears would be just one, Mr. Chairman. In light of my comparison of the 64-

position drop to the 17-workyear drop, one of those workyears would be dropped in the Organized Crime Section. What we have tried to do is to spread out the 17-workyear decrease among all our operating sections and offices.

PROGRAM INCREASE FOR INTERPOL

Mr. HIGHTOWER. The justifications also include an increase of \$320,000 for INTERPOL. Please explain to the committee the need for this increase.

Mr. ROONEY. I will respond to that, Mr. Chairman. The increase basically relates to two elements. One is a \$295,000 increase for the case-tracking system, which we referenced earlier with regard to 1981, and the second is \$25,000 requested for an anticipated increase in 1982 dues for the United States membership in INTERPOL.

Mr. HIGHTOWER. Thank you very much. We appreciate your being with us.

Mr. Smith, do you have any questions?

Mr. SMITH. No questions.

TUESDAY, MARCH 24, 1981.

LAND AND NATURAL RESOURCES DIVISION

WITNESSES

ANTHONY C. LIOTTA, ACTING ASSISTANT ATTORNEY GENERAL
STEPHEN D. RAMSEY, CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CHARLES R. NEILL, CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF

GENERAL STATEMENT

Mr. HIGHTOWER [presiding]. Next, we will move to the Land and Natural Resources Division, Mr. Anthony C. Liotta. We are happy to have you, Mr. Liotta. We have your prepared statement and will include it in the record and be happy to hear any additional comments you may desire to make.

[Mr. Liotta's prepared statement follows:]

STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL, ANTHONY C. LIOTTA

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the Land and Natural Resources Division. The total 1982 request of 336 positions and \$17,659,000 represents a decrease of two positions and an increase of \$444,000 over the 1981 base level.

Most of the Division's litigation is conducted at the request of various "client" agencies, principally the Departments of Agriculture and Interior, the Environmental Protection Agency, and the Army Corps of Engineers. This litigation is conducted in both Federal and State courts and encompasses civil and criminal matters relating to several broad areas including the control of pollution, the conservation of wetlands and wildlife, and the protection generally of the physical environment. The Division represents the United States in an increasing number of cases relating to the Federal Government's acquisition, management, and protection of land and

natural resources within the territorial limits of the United States, on or over the Outer Continental Shelf of the United States, and, to the extent permitted by international law, in or under the high seas. In addition, the Division handles litigation on behalf of Indian tribes and individuals to protect and defend their rights to property, including hunting, fishing, and water rights. The Division also defends the United States against claims by Indian tribes that argue they received inadequate compensation for, or unfair treatment with respect to, lands and resources which the Federal Government has acquired from them or administers on their behalf.

The requested increase for 1982 will provide resources for litigation support and for existing case management systems, specifically automated legal research files on various environmental statutes, computerized document oriented discovery files in support of specific cases, and further enhancements to the docket tracking and attorney time reporting systems.

This concludes my statement Mr. Chairman. I shall be pleased to answer any questions you or the members of the Subcommittee may wish to ask.

BUDGET REQUEST

Mr. LIOTTA. Mr. Chairman, I just point out in my statement that our request is for 336 positions and \$17,659,000, which represents a decrease of 2 positions and \$444,000 more over the 1981 base level. With that, I would be certainly pleased to answer any questions I can that you may have.

Mr. HIGHTOWER. You are proposing an increase of \$444,000 for litigation support. Yet you have eliminated 22 positions and \$1.9 million, which were in the original budget request. How many of those 22 positions were associated with litigation of cases?

Mr. LIOTTA. Fourteen of the 22 positions were directly for litigation of cases, the remaining 8 positions were for administrative support for litigation.

Mr. HIGHTOWER. You are eliminating positions which are associated with litigation cases. Why do you need additional resources for litigation support?

Mr. LIOTTA. In that area we have always had a need that we haven't quite fulfilled. In other words, our cases now are getting more complicated and more involved, and we need much more computer assistance in those areas, and it will also help us further insofar as our docket-tracking system is concerned.

In other words, the litigation now is getting more and more complex, with thousands of documents, and in that area it is helpful to us in the conduct of high-priority litigation to have this amount of money, and that is basically why we need it. Our cases are more complex, and we have been historically a little short in that area.

Mr. HIGHTOWER. I can understand what you are saying about it being more complex, but doesn't that also mean that you have to have more lawyers and more people actually trying the cases, eliminating these positions?

Mr. LIOTTA. Yes, sir. What we have done in consideration of the cuts that are being made, Mr. Chairman, is this. We have applied our attorney power and support power across the board in the various litigating sections. Our aim in reviewing this situation was to maintain viable litigating units, therefore we have maintained, for example, a very viable hazardous waste section, a very viable enforcement section. They will be in a position to handle, for example, in the hazardous waste area, the high-priority cases, the cases where the public health and safety are in jeopardy. In other

words, we feel that we have maintained, even with those cuts, viable units that we can adequately and carefully and professionally handle the litigation.

Mr. HIGHTOWER. Do these cases come from the EPA, the Interior Department?

Mr. LIOTTA. Yes, sir. Most of our cases are referred to us. We are a so-called client agency oriented Division.

Mr. HIGHTOWER. Where do most of your cases come from?

Mr. LIOTTA. EPA sends a great deal, of course, in the hazardous waste and the pollution area. Interior sends a great deal. Another primary client is the Corps of Engineers.

Mr. HIGHTOWER. When EPA sends down a case, you assign some lawyers to it, and they review it. Then do they make the decision as to whether or not it is a prosecutable case?

Mr. LIOTTA. In those particular areas, let's take the Clean Air Act, for example. Many of those cases are defensive, where EPA really has no choice. In other words, people are suing to set aside regulations or to amend or something of that type, so many of them are defensive.

Now, insofar as the enforcement cases are concerned, EPA investigates and forwards over to us a report, and if we find that these are the kinds of cases that we should go forward with, we do.

LANDMARK CASES

Mr. HIGHTOWER. Do you try to sort out cases that would tend to be landmark cases?

Mr. LIOTTA. If I understand the sense in which you are talking, anything that is of—

Mr. HIGHTOWER. Something of first impression.

Mr. LIOTTA. Yes.

Mr. HIGHTOWER. Where you can get a decision that might affect a lot of other cases.

Mr. LIOTTA. Yes, sir. The Division itself usually handles the cases of that type. I am certainly not minimizing the expertise of the United States attorneys, but many times their resources are not available. So the high priority, landmark cases, are generally handled by the Division.

Mr. HIGHTOWER. Your Division?

Mr. LIOTTA. Yes, sir.

Mr. HIGHTOWER. What do you mean by quality case?

Mr. LIOTTA. Let me say this. We have to handle all of the cases that are sent to us in the sense that they are required by statute. We are required by statute, to enforce these laws. Some of these cases may be of routine nature, where there have been decisions before, and when the law is clear; and many of those cases we farm out to the United States attorneys in order to put our resources the non-routine.

When we do see these cases which involve a challenge, that hasn't been raised before, then of course we will, attempt to handle them ourselves.

LOVE CANAL CASES

Mr. HIGHTOWER. You say these funds are needed for long-range planning and system development for support of large cases. What

types of cases are you talking about that need this kind of support, and how long will they take?

Mr. LIOTTA. Let me give an example. In some of our hazardous waste cases, without going into cases that are presently under investigation, there is a need to review a great quantity of documents to make our case. Sometimes, as I indicated before, there may be thousands of documents that we have to look at to find the source of the hazardous waste and who controlled it and any intervening parties and that type of thing. When you say long range, these cases are very complex in many instances, and it could take years, for example, the cases going on in New York in the Niagara area, which I am sure you are familiar with—

Mr. HIGHTOWER. Yes.

Mr. LIOTTA. A number of them are already subject to consent decrees, which we think are a tremendous advantage to the public and to the government, but there are others going on, and there is no time parameter on it, but these cases could take a year or two.

Mr. HIGHTOWER. Are you prosecuting the Love Canal cases?

Mr. LIOTTA. Yes, sir.

Mr. HIGHTOWER. How many cases have come out of the Love Canal incident?

Mr. LIOTTA. You mean insofar as Love Canal itself is concerned?

Mr. HIGHTOWER. Yes.

Mr. LIOTTA. I believe we have four cases in that area involving the Hooker Chemical Company and Occidental Petroleum.

Mr. HIGHTOWER. So far as you know, that will be all the cases you will have?

Mr. LIOTTA. Insofar as I know at this time in that particular area.

Mr. HIGHTOWER. You say two of those have been—

Mr. LIOTTA. They are the subject of consent decrees that are in the process of publication and may have reached the end of the public notice, and there is another case related to that same company in California. We have a number of others; over fifty hazardous waste cases have already been filed.

THREE MILE ISLAND CASES

Mr. HIGHTOWER. Do you have any cases growing out of the Three Mile Island incident?

Mr. LIOTTA. I believe we had some litigation concerning that. We have defensive cases, not any enforcement cases in that area.

Mr. HIGHTOWER. Thank you very much. We do appreciate your testimony here today.

Mr. LIOTTA. Thank you.

TUESDAY, MARCH 24, 1981.

CIVIL RIGHTS DIVISION

WITNESSES

JAMES P. TURNER, ACTING ASSISTANT ATTORNEY GENERAL
 MARY LYNN WALKER, ACTING DEPUTY ASSISTANT ATTORNEY GENERAL
 KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
 CHARLES R. NEILL, CONTROLLER
 WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. We will next move to the Civil Rights Division, Mr. James P. Turner, Acting Assistant Attorney General.

GENERAL STATEMENT

Mr. Turner, you have a prepared statement. We will include that in the record and be happy to hear from you for additional comments.

[Mr. Turner's prepared statement follows:]

STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL, JAMES P. TURNER

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the Civil Rights Division. The 1982 budget, which provides for 390 positions and \$18,002,000, reflects a reduction of 46 positions and an increase of \$1,058,000 from the anticipated 1981 appropriation of 436 positions and \$16,944,000. Of the increase, \$397,000 is for litigation systems support and \$661,000 is for uncontrollable items.

The increased funding is requested for litigation support and management functions, primarily to enable the Division to respond to the unusually large number of voting redistricting and reapportionment proposals anticipated after 1980 census statistics are provided to jurisdictions covered by Section 5 of the Voting Rights Act of 1965, as amended in 1970 and 1975. The increase will also be used to expand litigation and management support efforts in all of the Division's programs.

In order to comply with the Department's overall efforts to support the President's Program for Economic Recovery and, at the same time, to respond to added or increased responsibilities in three of its programs, the Civil Rights Division made additional compensating decreases in six of its other programs.

The net decrease of 46 positions proposed includes increases totalling 11 positions offset by decreases of 57 positions. Program increases are required to:

Handle increased activity placed on the Special Litigation Program by Public Law 96-247.

Respond to the large volume of Section 5 reapportionment and redistricting submissions expected as the result of the 1980 Census.

Deal with additional responsibilities placed on the Coordination and Review Program by Executive Order 12250.

These increases are necessary to ensure that the new public law, which protects the civil rights of institutionalized persons, is adequately enforced; that all Section 5 submissions presented to the Division are reviewed in a comprehensive manner within the 60-day statutorily required deadline; and that all federally-funded programs are in compliance with federal laws in that funds involved are distributed to eligible persons on an equitable basis.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or the members of the Subcommittee may have.

Mr. TURNER. Thank you, Mr. Chairman. The only additional comment I would make is in response to the Chair's earlier questions regarding the budget impact on the Civil Rights Division. I would assess that this budget will allow us to have a viable civil

rights enforcement program. It will not be what we originally projected for this fiscal year, but it will be a useful law enforcement program.

SPECIAL LITIGATION PROGRAMS

Mr. HIGHTOWER. You are requesting an increase of two positions and \$237,000 for special litigation programs. What are these special programs, and why is it necessary for you to request additional resources for them at this time?

Mr. TURNER. Last year, Mr. Chairman, the Congress passed the Civil Rights of Institutionalized Persons Act, under which the Attorney General was given authority and responsibility to investigate and, where necessary, initiate litigation against State institutions where conditions are below the constitutional minimum. We believe that the resources we had for that enterprise were insufficient, and that this modest increase would be necessary to carry out what the Congress intended.

POSITIONS FOR VOTING

Mr. HIGHTOWER. The budget request includes an increase of 3 positions and \$346,000 for voting programs. The justification states that these increased resources are required to respond to an inordinate number of redistricting and reapportionment proposals to be submitted under Section 5 of the Voting Rights Act as a result of the post-1980 census data. How many proposals have been submitted, and how many do they compare with similar proposals submitted after the 1970 census?

Mr. TURNER. We will be glad to submit for the committee a direct comparative analysis. Let me say, roughly, we project in fiscal year 1982 to have some 3200 Voting Rights Act submissions under Section 5, including approximately 750 that deal with reapportionment or redistricting, as a result of the 1980 census.

That figure of 3,200 total submissions compares with 27,000 in 1981, and 2,400 in 1980, so there is a steady increase that will be significantly affected by the census fallout.

It might be of interest for you to know that a regular submission takes about 8 person-hours of work to handle. A redistricting submission takes about 48 hours, or 6 workdays.

[The following information was provided to the Subcommittee subsequent to the hearing:]

REDISTRICTING PLANS UNDER VOTING RIGHTS ACT

A comparison of the number of redistricting plans submitted under Section 5 of the voting Rights Act after the 1970 census, with the number of redistricting plans that we anticipate will be submitted under Section 5 following the 1980 census is provided below, together with all post-1970 census submissions which relate to reapportionment actions. These listings include in the category of redistricting such changes as modifications of candidate residency districts and modifications of precinct lines to conform to newly adopted voting districts.

Our best estimate is that covered jurisdictions will submit approximately 1,000 redistricting plans between January 1, 1981 and August 6, 1982. The estimate is based on:

- (a) Experience during the comparable period after the 1970 Census;
- (b) Submissions received after additional jurisdictions were covered in 1975;

(c) Informal contacts with state officials regarding their plans for redistricting. Because of several variables it is not possible to estimate the timing and volume of submissions with precision. These variables include the extent of voluntary compliance during a period when Congress is likely to be considering whether to extend the coverage of §4 for an additional period of time, the ability and will of covered jurisdictions to fashion timely and redistricting plans, the extent of reapportionment litigation, and the possibility that census figures will not require redistricting in some jurisdictions.

REDISTRICTING AFTER THE 1970 CENSUS

[Timing of section 5 submissions¹]

	Jan 1, 1971 to Aug 6, 1972 number of submissions	Aug 7, 1972 to Aug 6, 1975 number of submissions	Aug 7, 1975 to Dec 31, 1979 number of submissions
Alabama.....	8	9	22
Alaska.....	0	0	2
Arizona.....	2	6	9
California.....	1	5	4
Colorado.....	0	0	2
Connecticut.....	0	0	0
Florida.....	0	0	0
Georgia.....	26	18	28
Hawaii.....	0	0	2
Idaho.....	0	0	0
Louisiana.....	93	32	44
Massachusetts.....	0	0	3
Michigan.....	0	0	0
Mississippi.....	57	18	52
New Hampshire.....	0	0	0
New York.....	2	7	2
North Carolina.....	3	7	9
South Carolina.....	22	16	29
South Dakota.....	0	0	1
Texas.....	0	0	193
Virginia.....	104	9	15
Wyoming.....	0	0	0
All States.....	318	127	417

¹ Reflects the number of redistricting plans listed on the Section 5 computer printout. Included in addition to legislative redistricting plans are changes in residency district boundary lines and any other enactments relating to reapportionment or redistricting by all jurisdictions.

EXECUTIVE ORDER 12250

Mr. HIGHTOWER. The budget reflects an increase of 6 positions and \$585,000 for implementation of Executive Order 12250, which delegates authority to the Attorney General for coordination of Section 504 of the Rehabilitation Act of 1973, as amended. Can you tell us what is in Executive Order 12250 and why 6 additional positions are necessary to carry it out?

Mr. TURNER. As presently constituted, the Division has very limited resources to devote to this new coordination responsibility. Under the executive order you referenced, the Division on behalf of the Attorney General is required to coordinate throughout federally funded programs and the programs in the government under Title IX, which is sex discrimination; Title VI, which is race; and Section 504 of the Rehabilitation Act.

Some of those are new requirements that just came in with this executive order last December, and we believe that the increase we have sought to carry out that executive order will be necessary if we are going to begin to achieve what the executive order promises.

Mr. HIGHTOWER. Thank you very much.

TUESDAY, MARCH 24, 1981.

CIVIL DIVISION

WITNESSES

THOMAS S. MARTIN, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION

STUART E. SCHIFFER, DEPUTY ASSISTANT ATTORNEY GENERAL

PATRICIA A. KING, DEPUTY ASSISTANT ATTORNEY GENERAL

JOHN L. POORE, DEPUTY ASSISTANT ATTORNEY GENERAL

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. We would like to move now to the Civil Division, Mr. Thomas S. Martin.

GENERAL STATEMENT

Mr. Martin, you have a prepared statement which we will place in the record at this point and will be glad to hear from you for any additional comments.

[Mr. Martin's prepared statement and biographical sketch follow:]

DEPARTMENT OF JUSTICE
STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION
THOMAS S. MARTIN
BEFORE THE HOUSE APPROPRIATION SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here this afternoon to discuss the work of the Civil Division. For fiscal year 1982, the Department has requested for the Civil Division \$28,913,000 and 640 positions. The Civil Division is charged with the responsibility of representing the Government, its Departments, agencies and officials in a variety of complex litigation which involves potential loss of tens of billions of dollars to the U.S. Treasury, vital Administration domestic and foreign policy initiatives and essential regulatory and economic programs.

An expanding case load has challenged our ability to accomplish our litigation mission at a time when budgets must be limited. Over the past year, however, the Division has achieved remarkable success in the courts accompanied by substantial progress in the management of its litigation. For example, major improvements have been made in the management of the fraud caseload by expanded coordination with the Criminal Division and with client agencies including the development of litigation training programs emphasizing the role of civil remedies to combat fraud. In addition, an improved system for reviewing and assigning fraud matters initiated in 1980 has resulted in the elimination of a large backlog of unassigned

fraud referrals, which is an important step in allowing the Division to react more quickly to fraud referrals worthy of litigation. Since 1976, the Branch has worked closely with the Department of Agriculture to develop and pursue civil damage claims against grain export corporations which systematically shortweighted and misgraded grain shipments. Recoveries in the cases now exceed \$7 million. With the continued emphasis on detecting and eliminating waste in the Government, it can be projected that fraud referrals and litigation will continue to increase.

To the extent that money involved in litigation is a measure of the Division's growth and activity the following facts and comparisons are presented. In 1980, the Civil Division's workload of 38,930 cases involving \$182.5 billion in dispute compared to a workload of 38,500 cases involving approximately \$68.1 billion in dispute in 1978. Historically, aggregate awards to the Government in cases handled by the Civil Division have totaled nearly three times the amount awarded to the opponents.

The Division is also expending substantial resources on litigation relating to the disposition of Iranian assets and is participating actively in over 350 cases on this single issue alone. We have also already addressed challenges to a number of Administration programs including the hiring freeze and the decontrol of oil. At the same time we continue our vigorous defense of congressional actions challenged in hundreds of cases throughout the nation.

Substantial resources continue to be expended on cases relating to the potential liability of individually sued Federal officials. Extensive efforts by the Civil Division have been made in the past to emphasize the need for legislation making the Federal Tort Claims Act the exclusive remedy for violations of constitutional rights and tortious conduct by Federal employees. The increasing number of suits seeking money judgments personally from individual Federal employees renders such remedial legislation essential in order to provide a financially responsible defendant, remove the threat of personal financial ruin from the Federal officials and foster fearless governmental decision-making in the public interest. While enactment would eliminate the need for funds to pay for private counsel when conflicts of interest preclude Department of Justice representation, the concomitant increase in the number of suits against the United States would further strain our already stretched resources. In addition, our resources will continue to be taxed by 1107 pending cases seeking over \$1.5 billion in Swine Flu litigation, the increasing pace of asbestos litigation and the heavy workload in specialized litigation such as aviation and admiralty in which there are 28 scheduled trials and 41 pretrial conferences for the three month period ending March 31, 1981.

The awareness of a limited budget and the need for increased efficiency was the impetus for past and continuing management initiatives to insure the overall accomplishment of the Division's objectives. These have included a comprehensive reorganization

of the litigation functions in 1979 and the subsequent establishment of an internal capability for planning, policy and management in 1980. Particular emphasis is being placed on the further refinement of litigation case management information and tracking systems as well as financial management systems. For example, the automation efforts to track cases and provide managers with vital case information has been expanded to include 40,000 cases with an additional 3,600 appellate cases and 80,000 customs matters to be integrated during 1981. The basic system has been supplemented by a litigation management element for document organization which includes the abstracting of documents for asbestos and radiation tort cases as well as over 350 Iranian frozen assets cases and 6000 Swine Flu cases and claims. Planned continuation of this effort includes additional litigation document organization, full scale resource management and integration of the link between workload and resource requirements, fiscal control systems and budget justifications. The only requested increase is for the funds that will continue the automation effort. It will aid in providing technologically current equipment to increase legal document production and should provide resource savings which could be translated into additional litigation and technical support performance.

I would be happy to answer any questions or respond to any comments members of the Committee may have.

BIOGRAPHY

THOMAS S. MARTIN

Thomas S. Martin was designated Acting Assistant Attorney General, Civil Division, on January 16, 1981. He has served as Deputy Assistant Attorney General with supervisory responsibility for the Federal Programs Branch as well as the Appellate Staff since 1978. Mr. Martin first joined the Justice Department as a Special Assistant to the Assistant Attorney General, Civil Division in August 1975, where he served until his appointment from October 1976 to February 1978 as an Assistant to the Solicitor General. Mr. Martin was born in New York, New York on August 31, 1946. He received a B.A. degree, summa cum laude, from King's College in 1968 and a J.D. degree from the University of Chicago Law School in 1972.

Prior to his public service, Mr. Martin was associated with the Washington law firm of Steptoe and Johnson where he specialized in complex civil litigation from 1972 to 1975.

Mr. Martin is married to the former Lynne Kathryn Mallory and has one child. He is a member of the District of Columbia Bar, Bar Association of the District of Columbia and serves on the Advisory Committee on the Federal Rules of Civil Procedure.

Mr. MARTIN. Good afternoon, Mr. Chairman. I am very pleased to be here. As with the other divisions, the proposed budget would basically place us in equivalent position to our current on-board staff, and as a result we do not foresee a major negative impact resulting from the budget that you have before you.

Mr. HIGHTOWER. Will you be losing 20 positions?

Mr. MARTIN. That is right.

FRAUD AGAINST THE GOVERNMENT

Mr. HIGHTOWER. How many of these positions were allocated in cases involving fraud against the government; do you know?

Mr. MARTIN. The proposed positions are spread throughout the Division, Mr. Chairman. They were not specifically allocated to fraud cases.

Mr. HIGHTOWER. How many staff years did you allocate to fraud cases against the government in fiscal year 1980, and if you could also tell us how many staff years during fiscal year 1981 and what might be estimated for 1982, if you would like to do that for the record you may.

Mr. MARTIN. Mr. Chairman, I would like to do that for the record.

[The information follows:]

It is difficult to specify the exact number of staff years which will be devoted to fraud work in the future. At the present time, approximately 20 attorneys in the Civil Division work on fraud cases full-time. Another 80 devote a portion of their time to fraud cases. This is approximately the same allocation of staff time devoted to fraud cases during fiscal year 1980. Both the hiring freeze and the number of potentially meritorious referrals may alter this over the coming year.

Mr. MARTIN. I would also like to add now that in light of the limitations on our staff, we have attempted to take other kinds of measures to increase the efficiency and effectiveness of our fraud program. In particular we are working very closely with the United States Attorneys and the agency lawyers to train them and their investigators so that our cases will be more effectively brought and more successful. We think we have made some progress in that area.

LITIGATION MANAGEMENT IMPROVEMENTS

Mr. HIGHTOWER. The justifications indicate an increase of \$346,000 for litigation management improvements in the Civil Division and an increase of \$444,000 for litigation in support of the Land and Natural Resources Division. The budget proposes significant position decreases for both of these positions in comparison with the original budget requests. Are the requests for increased litigation support in effect a substitute for additional positions?

Mr. MARTIN. With respect to the Civil Division, the litigation support basically goes towards word processing machinery. We have found, Mr. Chairman, that we have been significantly disadvantaged in litigation vis-a-vis large law firms, because we have been working with very outdated equipment, and what we are talking about is now basically putting in equipment that will enable us to produce 100-page briefs, as we often have to, in the appropriate timeframe. We found and we project a substantial

reduction in overtime as a result of this kind of basic machinery, so that is what our request is.

Mr. ROONEY can perhaps address it with respect to the Land and Natural Resources Division.

Mr. HIGHTOWER. Do we have funds here for the purchase of this equipment?

Mr. ROONEY. In the Civil Division?

Mr. HIGHTOWER. Yes.

Mr. ROONEY. Yes.

Mr. HIGHTOWER. Have the other divisions already acquired their word processing equipment?

Mr. ROONEY. Several of them have, Mr. Chairman.

Mr. HIGHTOWER. Will we be getting up to date this year with those, the remaining divisions that have not installed this equipment?

Mr. ROONEY. For the most part, that would be true, Mr. Chairman. There are a couple of areas where we may be asking again. We are trying to have a staged implementation, for obvious economic reasons.

Mr. HIGHTOWER. Thank you very much, Mr. Martin.

FRIDAY, MARCH 27, 1981.

FOREIGN CLAIMS SETTLEMENT COMMISSION

WITNESSES

RICHARD W. YARBOROUGH, CHAIRMAN
FRANCIS T. MASTERSON, EXECUTIVE DIRECTOR
DAVID H. ROGERS, GENERAL COUNSEL
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CHARLES R. NEILL, CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. We will next hear from the Foreign Claims Settlement Commission. We are delighted to have my old friend Richard W. Yarborough of Texas.

Mr. YARBOROUGH. Good morning, Mr. Chairman. It is good to see you.

Mr. HIGHTOWER. Glad to see you, Dick. I appreciate your being here today.

Mr. YARBOROUGH. It is our pleasure. Appearing with me this morning, Mr. Chairman, is Mr. Francis T. Masterson, our Executive Director, also Mr. David Rogers, our Acting General Counsel.

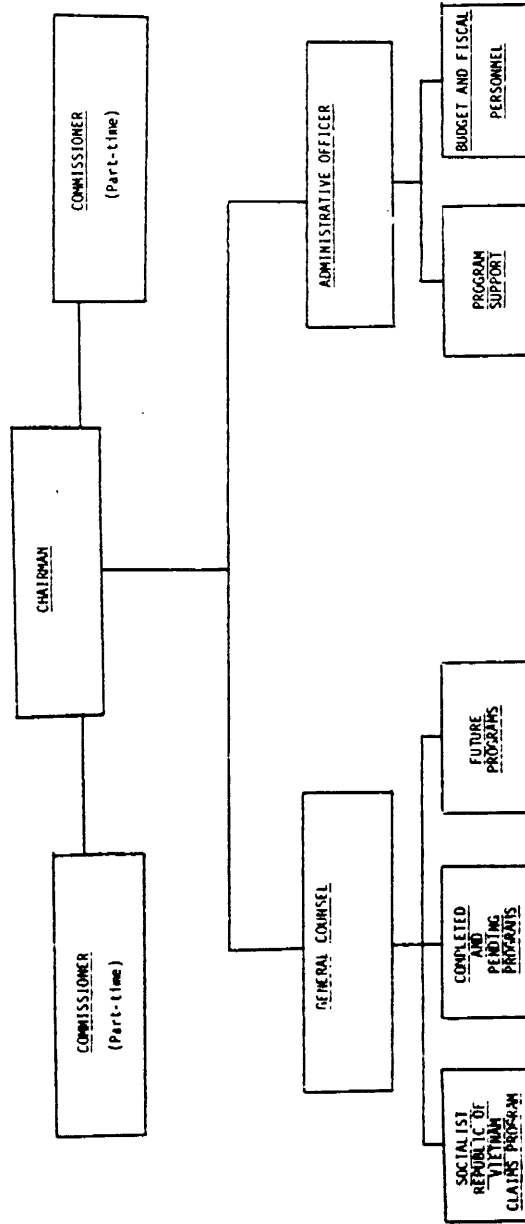
Mr. HIGHTOWER. We will insert the justifications that appear in Volume I at this point in the record.

[The justification materials follow:]

Department of Justice
Foreign Claims Settlement Commission
Estimates for Fiscal Year 1992
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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE
UNITED STATES



Richard W. Yarbrough
Richard W. Yarbrough, Chairman

Foreign Claims Settlement Commission

Summary Statement

Fiscal Year 1982

The Foreign Claims Settlement Commission is requesting a total of \$705,000, 18 permanent positions and 19 workyears for 1982. This request represents a reduction of \$145,000 from the 1981 appropriation of \$850,000.

The principal mission of the Commission is to settle the claims of American citizens arising out of the nationalization, expropriation or other takings of their properties and interests by certain foreign governments. The Commission has compiled and evaluated such claims against 12 countries under the International Claims Settlement Act of 1949, involving Yugoslavia, Panama, Poland, Bulgaria, Hungary, Rumania, Italy, the Soviet Union, Czechoslovakia, Cuba, China and most recently, the German Democratic Republic. The Commission and its predecessor agency, the War Claims Commission, has also undertaken and completed numerous programs arising out of World War II under the War Claims Act of 1948 and the Micronesian Claims Act of 1971.

The Foreign Claims Settlement Commission functions with two budget activities: Activity I covering the adjudication of international claims and Activity II, the Executive and Advisory Function, covering the salaries and other costs of the three Presidentially appointed members of the Commission, the Office of the General Counsel and an administrative support operation.

Settlement of International Claims

During the current year, the Commission will complete a four-year program involving the settlement of 4,000 claims of American citizens against the German Democratic Republic. The Commission will also, during this period, initiate a program under a new Title VII of the International Claims Settlement Act of 1949 (Public Law 96-606, approved December 28, 1980) which requires the Commission to receive and determine the validity and amounts of claims of nationals of the United States for loss of property in Vietnam as a result of nationalization, expropriation or other taking by the Socialist Republic of Vietnam.

During 1982, the Commission will apply extensive efforts in identifying and assisting claimants in filing their claims. The Commission is hopeful that there will be a sufficient number of early filings to enable early identification of major issues on which research by the legal staff can proceed. The Commission's experience in launching new programs has shown that there can be only a minimum number of decisions issued during the first program year because of the consistent tendency on the part of claimants to file during the final phase of the period available. The volume and character of losses sustained by the actions of the Socialist Republic of Vietnam and thus the actual workload involved cannot be determined until all claims have been received. The Commission has therefore planned for the retention of a minimum professional and support staff for the budget year for this program.

Executive and Advisory Function

This activity will provide continuing service to former and prospective claimants on a total of 32 completed international and war claims related programs. This staff will also be providing advice on policy determinations, pre-program planning, evaluation of pending claims legislation and liaison with congressional committees considering legislation intended to provide compensation to new categories of claimants.

The Commission will serve in an advisory capacity to other government agencies in matters of policy on claims of United States citizens against foreign governments. The planned staff for the budget year will provide advisory services to potential claimants and their attorneys between periods of completed claims agreements, the enactment of legislation authorizing programs and the availability of funds to start new programs. During 1982, the Commission will provide technical assistance to the Department of State in its efforts to negotiate claims settlement agreements with foreign governments. Under the provisions of Section 620(e) of the Foreign Assistance Act of 1961, the Foreign Claims Settlement Commission is authorized to evaluate expropriated property upon the instructions of the President.

Under the War Claims Act of 1948, as amended, the Commission authorizes payments to American military prisoners of war captured by hostile forces in Southeast Asia during the Vietnam conflict. The Commission, to date, has granted awards to 732 prisoners of war or their survivors in the amount of \$5,294,415; \$229,337 to 41 civilian internees, and \$68,675 to members of the crew of the USS Pueblo for a total of \$5,592,427.

The status of a small number of MIA's with prisoner of war classification remains to be determined by the Department of Defense. Upon receipt of these final determinations, this program will be completed.

Since its organization in 1954, the Commission has consisted of three Commissioners, appointed by the President with the advice and consent of the Senate. One member has been designated as the Chairman with full responsibility for the management and direction of the Commission. The recent transfer of the Commission as a separate agency within the Department of Justice altered the nature of two of these appointments to part-time with provisions for compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chairman. Minor reductions in operating expenses will occur because of the assumption of certain administrative support functions of the Commission by the Department of Justice.

Foreign Claims Settlement Commission
Proposed Authorization Language

The Foreign Claims Settlement Commission is requesting the following authorization language:

For the Foreign Claims Settlement Commission including -

- (A) services as authorized by Section 3109 of Title 5, United States Code;
- (B) allowances and benefits similar to those provided by Chapter 9 of the Foreign Service Act of 1980, as determined by the Commission;*
- (C) expenses of packing, shipping and storing personal effects of personnel assigned abroad;
- (D) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;
- (E) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;
- (F) advances of funds abroad;
- (G) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission;
- (H) hire of motor vehicles for field use only;
- (I) employment of aliens;

\$705,000.

There is a technical change in this language from the FY 1981 authorization language. However, the change does not substantively alter the authority granted to the Commission. The Foreign Service Act of 1946, as amended, of which Title IX was referenced for FY 1981 was repealed and replaced by the Foreign Service Act of 1980 (P.L. 96-465, approved October 17, 1980). Chapter 9 of the Act of 1980 corresponds to Title IX of the Act of 1946, as amended.

Foreign Claims Settlement CommissionSalaries and ExpensesJustification of Proposed Charges in Appropriation Language

The 1982 budget estimates include changes in appropriation language listed and explained below. Deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; (\$828,000; to be derived by transfer from the account entitled "Payment of Vietnam Prisoners of War Claims".) ^

\$705,000

Explanation of changes

This change proposes deletion of language transferring funds from the "Payment of Vietnam Prisoner of War" account because after transfer of 1981 funds the balance is insufficient for further transfers.

Foreign Claims Settlement Commission

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Supplementals Requested			1981 Appropriation Anticipated		
	Pos.	NY	Amc.	Pos.	NY	Amc.	Pos.	NY	Amc.	Pos.	NY	Amc.
Adjudication of international claims	6	12	\$398	...	...	...	...	...	...	6	12	\$408
Executive and advisory function	12	8	430	...	...	...	...	...	...	12	8	442
Total	18	20	828	...	...	...	...	...	...	18	20	850

Supplemental Requested

The pay raise (Executive Order 12248, October 5, 1980, as modified by P.L. 96-369, Continuing Appropriations, 1981.)

Total end-of-year positions increased because of comment of Public Law 96-606, December 28, 1980, authorizing the Vietnam Claims Program.

Foreign Claims Settlement Commission

Salaries and expenses

Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
Adjustments to base and built-in changes:			
1981 as enacted:			
Transfer from "Payment of Vietnam Prisoners of War Claims"	18	20	\$828
Supplemental request:			Amount
1981 Pay increase supplemental:			530
Increased pay costs:			
Deferrals in filling vacancies:			-8
Net pay supplemental:			22
1981 Appropriation anticipated:	18	20	850
Uncontrollable increases:			
Annualization of 1981 pay increase:			2
Within-grade increases:			3
Standard level User Charge (SUC):			19
Total, uncontrollable increases:			44
1981 base:	18	20	894
	</		

Foreign Claims Settlement Commission
Justification of Program and Performance
Activity Resource Summary

Activity:	1981 Appropriation Anticipated				1982 Base				1982 Estimate				Increase/Decrease		
	Perm.		NY		Perm.		NY		Perm.		NY		Perm.		
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	
Adjudication of international claims	6	12	\$408		6	8	\$343		6	7	\$275		...	-1	-\$73

Long-Range Goal: To determine all unsettled claims of American nationals against foreign governments within the framework of the International Claims Settlement Act of 1949, as amended.

Major Objectives:

To provide identification and contact with all known potentially eligible claimants under the Vietnam Claims Program and assist in the compilation of their filings.

To identify and categorize issues and unique problems peculiar to the Vietnam Claims Program.

To review evidence on claims as they are submitted and to seek additional information from sources to be determined.

To establish sources of information on the practices of the Socialist Republic of Vietnam and its actions with respect to decrees, laws and proclamations relating to the nationalization of American-owned properties.

To prepare and issue decisions on available claims that will establish precedents for the adjudication of further claims as they are received.

Base Program Description: The Adjudication of international claims activity of the Commission consists of a small staff at the Commission Headquarters.

Public Law 96-606 approved December 28, 1980, authorized the determination of claims of American nationals for losses resulting from the nationalization of American-owned property in Vietnam by the Socialist Republic of Vietnam. In carrying out its function, a staff of attorneys reviews the evidence submitted and seeks additional information from a wide variety of sources and researches legal issues under international law. The Commission issues an initial or proposed decision determining the validity and amount of the claim. The claimant is afforded an opportunity under the Commission regulations to object, submit further evidence, or have an oral hearing before the Commission which then issues a final decision.

The budget year will be the first full year of a five-year activity under the Vietnam Claims Program. The initial period under all programs is devoted to the receipt and review of claims and to early developmental work involving legal research and investigation of the facts and conditions surrounding the actions of the Socialist Republic of Vietnam. Because the filing period will continue throughout the budget year, precise workload information will not be available until all claims have been filed and initially reviewed.

Accomplishments and workload: Accomplishments of the Adjudication of International Claims activity appear in the following chart:

Item	1979	1980	Estimates	
			1981	1982
Decisions - German Democratic Republic Claims Program.				
Awards	120	862	739	...
Denials	1,074	647	184	...
Decisions - China Claims Program	...	59	8	...
Decisions - Vietnam International Claims Program	...	...	...	125

The above chart shows data reflecting the performance of the Adjudication of International Claims activity in programs which were completed during pertinent prior years. During the budget year, the new Vietnam Claims Program will be in its initial stages and the projection of decision issuances will depend on whether claims are filed in sufficient volume to allow time for adjudication.

Program Changes: During the prior year, a program involving the adjudication of claims against the German Democratic Republic will have been concluded and a new Vietnam program initiated. The combination of resource requirements for the first full year of the Vietnam program will result in one less work year and a reduction of \$73,000.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Activity: Executive and Advisory Function	12	8	\$442	12	12	\$546	12	12	\$430	...	...
											-\$116

Long-Range Goal: To provide effective support to the adjudicating units of the Commission in rendering determinations on all unsettled claims of American nationals against foreign governments within the framework of the International Claims Settlement Act of 1949.

Major Objectives:

To respond to requests for information from former claimants and their attorneys in completed claims programs and to assist other Executive Branch agencies and the Congress on substantive questions pertaining to the establishment of new programs designed to assist American nationals whose losses have not been settled.

To provide legal advice and support to adjudicating units and to the Commission on the settlement of claims.

To provide pre-program planning of pending new programs.

To provide technical assistance upon request to the Department of State during the course of negotiations on claims settlement agreements.

Base Program Description: The Executive and Advisory Function activity provides administrative support for the Commission and legal advice to the adjudicatory functions and the Commissioners.

Pending for the activity covers the cost of salaries for the three Presidentially appointed Commission members, the staff of the General Counsel's office and an administrative support staff. This staff provides continuing service, maintenance and response to former and prospective claimants on 32 completed programs involving 750,000 claimants. Also, the staff will provide policy determinations, pre-program planning, evaluation of pending claims legislation and liaison with congressional committees considering legislation intended to provide compensation to new categories of claimants.

The Commission will serve in an advisory capacity to other government agencies on matters of policy on international claims and will provide advisory service to potential claimants and their attorneys between periods of completed claims agreements and the enactment of legislation authorizing programs and the availability of funds to start new programs.

From 1972 to 1976, the Chairman of the Commission was responsible under the Micronesian Claims Act for the operation and direction of the Micronesian Claims Commission. That Commission adjudicated 11,000 claims of the citizens of the Trust Territory of the Pacific Islands for losses arising out of the World War II conflict between the United States and Japan and for losses caused by the American forces after the defeat of the enemy in that area. Since the end of the program, the staff has responded to requests for information from the records of the Micronesian Claims Commission. The legal staff also provides assistance and information to the Department of Justice in connection with two la suits now pending before the Courts.

Under the War Claims Act of 1948, as amended, the Commission authorizes payments to American military prisoners of war captured by hostile forces in Southeast Asia during the Vietnam conflict.

Accomplishments and Workload: Accomplishments of the Executive and Advisory Function activity are presented in the following chart:

Item	1979	Estimates	
		1981	1982
Decisions - Vietnam Prisoner of War Program	11	5	5
General Inquiries	3,400	3,600	4,800
Inquiries on Closed Programs (Review of Claims)	800	1,000	1,700
Legislative Reports, legal memoranda	45	45	45
Special Reports	...	10	15

Foreign Claims Settlement Commission

1982 Ranking Request

Priority Ranking of Programs

Ranking

1

2

Program

Adjudication of international claims

Executive and advisory function

Foreign Claims Settlement CommissionSalaries and expensesAdjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Perm. Work- years	Amount
<u>Uncontrollable Increases:</u>			
1. Annualization of October 1980 pay increases.....	\$2
This provides for the annualization of the October 5, 1980 pay increase con- tained in Executive order 12748.			
2. Within-grade increases.....	3
3. Standard Level User Charge.....	39
Total uncontrollable increases.....	44

Foreign Claims Settlement Commission

Salaries and expenses

Financial Analysis - Program Decreases
(dollars in thousands)

	Adjudication of International Claims Pos. Amount	Executive and Advisory Function Pos. Amount	Total Pos. Amount
Personnel benefits .....	...	...	...
Benefits for former personnel	-57	-94	-141
Travel and transportation of persons	-25	...	-25
Other Services	-22	...	-22
Supplies and materials	-1	...	-1
Equipment .....	...	...	...
Total work years and obligations, 1982	-105	-84	-189

Foreign Claims Settlement Commission

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level V, \$50,112.....	3		2		-1	
ES-4, \$50,112.....	1		1		...	
GS/GS-15, \$44,547-\$50,112.....	2		...		-2	
GS/GS-16, \$37,871-\$49,229.....	1		1		...	
GS/GS-13, \$32,078-\$41,660.....	2		2		...	
GS-12, \$26,951-\$35,033.....	5		3		-2	
GS-11, \$22,486-\$29,236.....	2		1		-1	
GS-9, \$18,585-\$24,165.....	2		2		...	
GS-7, \$15,193-\$19,747.....	1		1		...	
GS-6, \$13,672-\$17,776.....	1		1		...	
GS-5, \$12,266-\$15,947.....	1		2		+1	
GS-4, \$10,983-\$14,248.....	1		1		...	
GS-3, \$9,766-\$12,700.....	4		1		-3	
Ungraded.....	3		...		...
Total, appropriated positions	29	891	18	490	-11	-401
Pay above stated annual rate....	...	2	...	2	...	...
Lapses.....	-9	-279	...	-10	...	+269
Net savings due to lower pay scales for part of the year...	...	-2	...	...	...	+2
Net permanent.....	20	612	18	482	-2	-130

Foreign Claims Settlement Commission

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	20	\$612	18	\$482	-2	-\$130
11.3 Positions other than permanent....	...	5	1	16	+1	11
11.5 Other personnel compensation.....	...	...	...	...	...	...
11.8 Special personnel services payments	...	...	...	...	...	...
Total, workyears and personnel	20	617	19	498	-1	-119
Other Objects:						
12 Personnel benefits.....	...	61	...	39	...	-22
13 Benefits for former personnel....	...	25	...	...	...	-25
21 Travel & transportation of persons	...	6	...	6	...	...
23.1 Standard Level User Charges.....	...	70	...	103	...	33
23.2 Communications, utilities	...	...	...	...	...	...
and other rent.....	...	20	...	17	...	-3
24 Printing & reproduction.....	...	20	...	16	...	-4
25 Other services.....	...	24	...	18	...	-6
26 Supplies & materials.....	...	6	...	5	...	-1
31 Equipment.....	...	1	...	3	...	2
Total obligations	20	850	19	705	-1	-145
Relation of obligations to outlays:						
Obligated balance, start-of-year.....	...	184	...	159	...	...
Obligated balance, end-of-year.....	...	-159	...	-141	...	...
Adjustments in expired accounts.....	...	...	...	...	...	...
Outlays.....	...	875	...	723	...	...

GENERAL STATEMENT

Mr. HIGHTOWER. You also have a prepared statement which we will insert in full in the record.
[The prepared statement follows:]

STATEMENT OF CHAIRMAN RICHARD W. YARBOROUGH, FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you in support of the Foreign Claims Settlement Commission's request for Fiscal Year 1982 funds.

This request is for \$705,000; 18 permanent positions and 19 workyears for 1982, a reduction of \$145,000 from the anticipated 1981 appropriation of \$850,000 and a reduction of ten positions from a 1981 peak of 28. This reduction arises because the Commission will complete a major program during the current fiscal year and will be in the initial stages of a new program during the budget year, lessening the need for attorney and support personnel.

CLAIMS AGAINST THE GERMAN DEMOCRATIC REPUBLIC

The Commission is now in the completion stage of a four-year program involving the claims of American nationals for losses resulting from the actions of the German Democratic Republic against American-owned properties since World War II. A total of 3,900 claims were filed in this program. As of the first of this month, proposed decisions on all claims have been issued. Our preliminary results show 1,706 awards in excess of \$60 million. A number of hearings remain to be held before the program's statutory completion date of May 15, 1981. This will mark the completion of claims programs against 12 countries under the International Claims Settlement Act since the establishment of the Foreign Claims Settlement Commission in 1954.

CLAIMS AGAINST THE SOCIALIST REPUBLIC OF VIETNAM

During the last session of Congress, legislation was approved which requires the Commission to determine the validity and amounts of claims of United States nationals for property losses in Vietnam arising as a result of the nationalization, expropriation or other takings by the Socialist Republic of Vietnam on or after April 29, 1975. This program will be initiated during the current year and will be the principal business of the Commission during 1982. The Commission will publicize the program as widely as possible to try to reach all claimants.

Notice establishing a filing period from February 26, 1981 to July 31, 1982 for the submission of claims was published in the Federal Register on February 26, 1981. The completion date of the program will be no later than three years after the final date for filing claims.

During 1982, the Commission will make extensive efforts in identifying and assisting claimants in filing their claims. The Commission, of course, cannot engage in substantive adjudicatory activity until a sufficient number of claims are on hand from which major issues can be identified. The Commission's experience in launching new programs shows that only a minimum number of adjudications can be made during the first program year because of the tendency of claimants to submit their claims toward the end of the filing period.

Thus far, there have been no exhaustive studies or research into the potential number of claimants against Vietnam or the estimated value of claims that may be filed. We do have indications from other agencies that there may be 1,000 or more claims. The best available estimates suggest that about \$110 million in private U.S. property has been taken. Unlike other International Claims Programs undertaken by the Commission where a foreign state has followed an explicit pattern of legal actions against American properties, we, at this time, are unaware of any comprehensive decrees that affected the taking of properties in Vietnam. During the initial year of the program, while claims are being filed, the Commission will be assembling information available in other Government agencies and from other sources in an effort to form an early basis for the adjudication of these claims.

OTHER ACTIVITIES OF THE COMMISSION

During 1982, the Commission will be concerned with residual activities from completed programs. Although these numerous programs have been completed, the Commission continually deals with correspondence and inquiries arising from past

adjudications under both the War Claims Act and the International Claims Settlement Act.

There are, for example, about 6,000 claimants who were granted awards in excess of \$1.8 billion for property losses in Cuba for which no funds are available for payment. These claimants and now their successors in interest, since the program was completed nearly ten years ago, continue to express interest in the prospect of receiving payment on their awards. Additionally, the residual activities arising out of the Philippine Rehabilitation Act of 1946 and the Micronesian Claims Act of 1971 are serviced by the Commission.

The Commission also continues to receive inquiries from individuals who did not file under other past programs. Lists of such individuals are maintained in the event that new programs are authorized.

The Commission continues to carry a minor responsibility under the War Claims Act for the payment of survivors of former military prisoners of war from the Vietnam conflict.

The status of a small number of MIA's with prisoner of war classifications remain to be determined by the Department of Defense. Upon the issuance of final determinations in these claims, the Commission will be able to complete its work on this program.

While no individual past program creates an unreasonable demand on the staff, the combination of request for information and assistance does constitute a drain on the limited staff resources.

FUTURE PROGRAMS

The Commission is aware of some 600 or more claims against the Government of Czechoslovakia that have arisen since 1958 when the first program was authorized. A bill, H.R. 7338, was introduced and received hearing in the last Congress covering certain claims issues and also creating a supplemental Czechoslovakian program.

Mr. Chairman, that completes my statement. I shall be happy to answer any questions.

Mr. HIGHTOWER. We would like to hear any additional comments or summaries that you may care to give.

Mr. YARBOROUGH. Mr. Chairman, I might hit just a few of the highlights of my prepared statement for the record. This request is for \$705,000, 18 permanent positions and 19 work-years for 1982, a reduction of \$145,000 from the anticipated 1981 appropriation of \$850,000, and a reduction of 10 positions. This reduction arises because the Commission will complete a major program during the current fiscal year and will be in the initial stages of a new program during the budget year, lessening the need for attorney and support personnel.

The Commission is now in the completion stage of a four-year program involving the claims of American nationals for losses resulting from the actions of the German Democratic Republic against American-owned properties since World War II. A total of 3,900 claims were filed in this program. As of the first of this month, proposed decisions on all claims have been issued. Our preliminary results show 1,706 awards that total in excess of \$60 million. A number of hearings remain to be held before the program's statutory completion date of May 15, 1981. This will mark the completion of claims programs against 12 countries under the International Claims Settlement Act.

During the last session of Congress, legislation was approved which requires the Commission to determine the validity and amounts of claims of United States nationals for property losses in Vietnam arising as a result of the nationalization or other takings by the Socialist Republic of Vietnam on or after April 29, 1975. This program will be initiated during the current year and will be the principal business of the Commission during 1982. The Commission will publicize the program as widely as possible to try to reach

all claimants. Notice establishing a filing period from February 26, 1981 to July 31, 1982, for the submission of claims was published in the Federal Register on February 6, 1981. The completion date of the program will be no later than three years after the final date for filing claims.

During 1982, the Commission will make extensive efforts to identify and assist claimants in filing their claims. We have indications from other agencies that there may be 1,000 or more potential Vietnam claims, and the best available estimate suggests about \$110 million in private U.S. property has been taken.

In addition, during 1982 the Commission will continue its residual activities from completed programs that it has engaged in over the years. I will be happy to respond to any questions the chairman may have.

Mr. HIGHTOWER. Thank you.

TRANSFER FROM VIETNAM APPROPRIATION

In recent years we funded the needs of the Commission from transfers from the payment of Vietnam Prisoner-of-War Claims appropriation. The fiscal 1982 budget request is for new budget authority. Would it be possible to fund the Commission's program for fiscal 1982 out of a transfer from that appropriation?

Mr. YARBOROUGH. No sir, that is no longer possible. That fund is near exhaustion and there is just a small amount remaining that we set aside for what might be spent for the remaining awards that are needed.

OUTSTANDING CLAIMS

Mr. HIGHTOWER. Could you furnish for the record how much would be left?

Mr. YARBOROUGH. Yes. I think we have in fact a figure here, Mr. Masterson.

Mr. MASTERSON. We have two outstanding claims against this fund, and after that there will only be about \$70,000 left.

Mr. HIGHTOWER. How much was unobligated in the Payment of Prisoner-of-War Claims appropriation at the end of fiscal year 1980?

Mr. MASTERSON. At the end of 1980 it was \$927,000. Then the 1981 appropriation, of course, came from that.

GERMAN DEMOCRATIC REPUBLIC PROGRAM

Mr. HIGHTOWER. Has the German Democratic Republic Claims program been completed?

Mr. YARBOROUGH. It will be completed by May 15. We have reached preliminary results in all of the claims, and we are in the process now of hearing objections to those proposed decisions and winding up the program.

Mr. HIGHTOWER. How many claims were adjudicated, and could you give us the total dollar value of those claims?

Mr. YARBOROUGH. There were 3,900 filed, and of those, 1,706 so far resulted in awards of a little over \$60 million. We are now fine-tuning a couple of hundred or more where claimants objected to our first decision, and would like the award increased or the decision made more favorable to them.

NEW VIETNAM PROGRAM

Mr. HIGHTOWER. The justifications indicate that the Commission will initiate a new Vietnam program which is intended for the determination of claims of Americans for losses resulting from the nationalization of American-owned property in Vietnam.

Could you give us any idea about how long this program is expected to last, and how many claims do you anticipate the Commission will adjudicate, and what you estimate the dollar value of those claims will be?

Mr. YARBOROUGH. It is really just a wild guess, but during the authorization hearings on that program we, by surveying directories of American businesses in Saigon and so on, reached a guess that there might be as many as 1,000 claims to come in, and from somewhere there was the guess that there might be \$110 million of American property involved in such a program. The program will have to be completed within three years after the end of the filing period, which was set for July 31, 1982.

NUMBER OF STAFF

Mr. HIGHTOWER. How many of the Commission's staff was allocated to the German Democratic Republic Claims program, and how much of the staff will be allocated to the Vietnam Claims program?

Mr. MASTERSON. During the current year we had authorization for 28 positions, and of that 28, 15 were authorized or allocated to that program, including three Foreign National positions in Munich.

Mr. HIGHTOWER. Mr. Yarborough, thank you very much. We appreciate you and Mr. Masterson being here today.

Mr. YARBOROUGH. Thank you very much, Mr. Chairman.

WEDNESDAY, MARCH 25, 1981.

ANTITRUST DIVISION

WITNESSES

**RICHARD J. FAVRETTO, ACTING ASSISTANT ATTORNEY GENERAL
RALPH JUSTUS, DEPUTY EXECUTIVE OFFICER, ANTITRUST DIVI-
SION
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION
CHARLES R. NEILL, CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF**

Mr. SMITH. We will now consider the Antitrust Division appropri-
ation. The budget request for fiscal year 1982 is \$49,566,000.

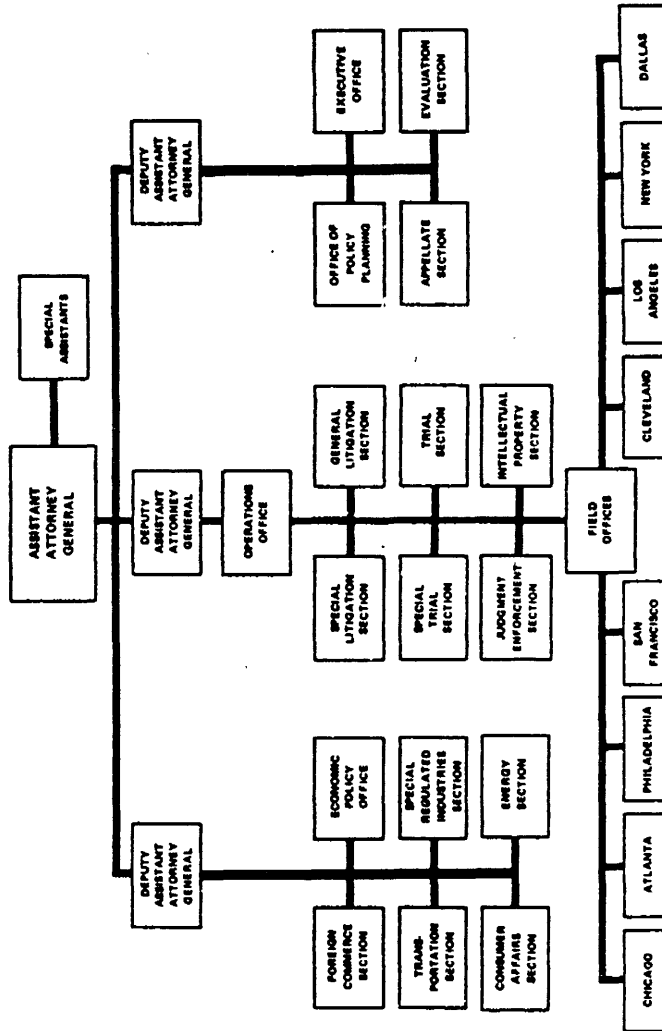
This is an increase of \$617,000 over the base amount. The justifi-
cation material for this request is included in Volume I and we will
insert it in the record.

[The justification materials follow:]

Department of Justice
Legal Activities
Salaries and expenses, Antitrust Division
Estimates for Fiscal Year 1982
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ANTITRUST DIVISION



APPROVED: *John H. Shenefield* DATE *March 5, 1983*
 JOHN H. SHENEFIELD
 Associate Attorney General

Legal Activities
Salaries and expenses, Antitrust Division
Summary Statement
Fiscal Year 1982

The Antitrust Division is requesting a total of \$49,566,000, 897 positions, and 934 workyears. This request for 1982 represents an increase of \$3,009,000 over 1981, and a decrease of 42 positions and 4 workyears.

The mission of the Antitrust Division is to promote competition, which is, as the Supreme Court has recognized, the "fundamental economic policy" of the United States. Competition is a process that serves consumers by fostering innovation, an efficient allocation of resources, and a higher quality of goods and services at reasonable prices.

The Antitrust Division enforces the Federal antitrust laws and serves as the Federal Government's principal analyst of and advocate for competition. The Division's major programs include: (1) reducing private interference with the free market system through litigation in the Federal Courts directed at monopolistic and oligopolistic market structures, anticompetitive mergers and acquisitions, and criminal and civil combinations and conspiracies in restraint of trade; (2) limiting government interference with the free market system through development and support of legislation favorable to competition and advocacy of competition before Federal regulatory agencies; (3) supporting government programs regulating abuses of market power by participation with government regulatory agencies in proceedings to enforce or review their orders; and (4) initiation of civil and criminal enforcement proceedings on behalf of Federal consumer protection agencies.

The Division's major program emphasis may be conveniently divided as follows:

Federal appellate activity - The purposes of this program are to act on antitrust cases before the Supreme Court as authorized by the Solicitor General; represent the United States in the courts of appeals in all civil and criminal cases brought by the United States under the Federal antitrust laws; represent the United States in proceedings to review orders of certain regulatory agencies; and, when warranted, participate as *amicus curiae* in private antitrust cases. A decrease in positions is reflected in this request.

Reduction of private conspiratorial conduct - The purpose of this program is to deter private conspiratorial conduct by investigating and litigating violations of Section 1 of the Sherman Act. Criminal prosecutions are employed to punish violators; civil actions seek to recover damages to the Government and secure injunctions against the continuation or renewal of illegal conduct.

Reduction of oligopoly and monopoly - The primary purpose of this program is to prevent and eliminate undue concentration of economic power in order to keep prices at competitive levels, and to prevent or dissipate concentrations of economic power which may threaten the social and political democracy of the United States. Existing monopolies and oligopolies are attacked primarily under Section 2 of the Sherman Act; mergers and acquisitions which may tend to substantially eliminate competition are attacked primarily under Section 7 of the Clayton Act. An increase is requested for 1962 to provide NTP support.

Antitrust litigation for consumer protection - The purpose of this program is to assist various Federal agencies in the effective implementation of responsibilities to the consumer through the control, direction and conduct of litigation to enforce consumer protection statutes. No increases are requested.

Judgment enforcement - This program ensures that antitrust litigation results favorable to the Government are given full effect through the achievement of proper effective relief, and that firms subject to antitrust judgments comply fully with their provisions. A decrease in positions is reflected in this request.

Policy analysis, legislation and training - This program combines several functions within the Division: legislative activities; research and evaluation of major legal, program and economic issues; analysis of economic data for specific investigations and cases; and attorney training. Position decreases are reflected in this request.

Competition advocacy - This program seeks the elimination of unnecessary regulation and the adoption of the least anti-competitive means of achieving overriding social purposes through participation in proceedings before regulatory agencies and in executive branch deliberations relating to competition policy. This request reflects a decrease in positions.

Executive direction and control - This program encompasses several activities within the Division including overall management and direction of Division activities by the Assistant Attorney General and Deputy Assistant Attorneys General, and administration of the Freedom of Information and Privacy Acts. A decrease in positions is reflected in this request.

Administrative services - This program provides management, administrative, budget, and information systems support for Division sections and field offices. The Division's Executive Office continues to improve the coordination and supervision of its administrative support functions. Significant factors in the improvement of these activities are increased professionalism, greater use of systems support, development of formalized procedures as well as better coordination with the Department's administrative personnel. A decrease in positions is reflected in this request.

Legal Activities
Salaries and expenses, Antitrust Division
Proposed Authorization Language

The Antitrust Division is requesting the following authorization language:

For the Antitrust Division for its activities:

\$49,566,000.

Legal ActivitiesSalaries and expenses, Antitrust DivisionJustification of Proposed Changes in Appropriation Language

The 1982 budget estimates include deleted matter which is enclosed in brackets.

Salaries and expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, [\$44,862,000]₀

\$49,566,000

No substantive changes proposed.

Legal Activities
Salaries and expenses, Antitrust Division

Comparison of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Pay Supplemental Requested			1981 Appropriation Anticipated		
	Pos.	NY	Amt.	Pos.	NY	Amt.	NY	Amt.		Pos.	NY	Amt.
Enforcement of antitrust, consumer protection and kindred laws												
Federal appellate activity.....	31	25	\$986	...	...	...	...	...	\$60	31	25	\$1,046
Reduction of private conspiratorial conduct.....	253	251	13,361	...	...	-\$350	-7	...	456	253	244	13,467
Reduction of oligopoly and monopoly.....	276	293	18,788	...	...	-450	-16	...	498	276	277	18,836
Antitrust litigation for consumer protection.....	25	24	893	...	...	...	...	...	45	25	24	938
Judgment enforcement.....	38	38	1,326	...	...	...	...	...	68	38	38	1,394
Policy analysis, legislation and training.....	121	131	4,453	...	...	...	-1	...	218	121	130	4,671
Competition advocacy.....	76	80	2,401	...	...	...	-1	...	137	76	79	2,538
Executive direction and control.....	46	43	1,551	...	...	...	...	...	82	46	43	1,633
Administrative services.....	73	78	2,561	...	...	-658	...	...	131	73	78	2,034
Total.....	939	963	46,320	...	...	-1,458	-25	...	1,695	939	938	46,557

Explanation of Analysis of Changes from 1981 Appropriation Request

Congressional Action

Since the Antitrust Division does not anticipate moving to the HOC building in 1981, the \$658,000 program increase requested for this move was deleted.

An increase of \$80,000 requested for automated data processing support was also deleted.

Supplementals Requested

The pay raise (Executive Order 12248), effective October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981.

Legal Activities
Salaries and expenses, Antitrust Division

Summary of Requirements
(Dollars in thousands)

Summary of adjustments to base and built-in changes:

	1981 as enacted	1980 Actual	1981 Appropriation	1982 Base	1982 Estimate	Perm. Pos.	Work-years	Amount
1981 as enacted	939 963	939 963	939 963	939 963	939 963	939	963	\$44,962
1981 Pay supplemental requested	...	...	...	...	...	...	-25	1,695
1981 Appropriation anticipated	939 938	939 938	939 938	939 938	939 938	939	938	46,557
Uncontrollable increases	...	...	...	...	...	...	...	2,392
1982 Base	939 938	939 938	939 938	939 938	939 938	939	938	48,949
<u>Estimates by budget activity</u>								
Enforcement of antitrust, consumer protection and kindred laws	939 949 \$45,403	939 969 \$45,387	939 938 \$46,557	939 938 \$48,949	897 934 \$49,566	897	934	\$617
State antitrust enforcement grants	...	...	...	...	...	...	...	...
Total	939 951 49,481	939 971 49,465	939 938 46,557	939 938 48,949	897 934 49,566	897	934	617

Local Activities
Salaries and expenses, Antitrust Division
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm.	WY	Ant.	Perm.	WY	Ant.	Perm.	WY	Ant.	Perm.	WY	Ant.	Perm.	WY	Ant.	Perm.	WY	Ant.
Enforcement of antitrust, consumer protection and kindred laws:																		
Federal appellate activity..	31	25	\$970	31	25	\$970	31	25	\$1,046	31	25	\$1,094	27	25	\$1,094	-4	...	...
Reduction of private conspiratorial conduct....	283	245	13,353	253	252	13,345	253	244	13,467	253	244	14,166	253	244	14,166	...	...	...
Reduction of oligopoly and monopoly.....	276	285	18,795	276	285	18,787	276	277	18,836	276	277	19,764	276	277	20,434	...	...	\$670
Antitrust litigation for consumer protection.....	25	24	880	25	24	880	25	24	938	25	24	985	25	24	985	...	...	...
Judgment enforcement.....	38	38	1,306	38	38	1,306	38	38	1,394	38	38	1,467	25	38	1,467	-13	...	...
Policy analysis, legislation and training.....	121	131	4,359	121	130	4,359	121	130	4,671	121	130	4,912	109	130	4,912	-12	...	...
Competition advocacy.....	76	80	2,351	76	86	2,351	76	79	2,558	76	79	2,667	71	79	2,667	-5	...	...
Executive direction and control.....	46	43	1,525	46	46	1,525	46	43	1,633	46	43	1,713	43	43	1,713	-3	...	...
Administrative services.....	73	78	1,864	73	83	1,864	73	78	2,034	73	78	2,181	68	74	2,128	-5	-4	-53
State antitrust enforcement grants.....	...	2	4,078	...	2	4,078	...	...	...	...	...	...	...	...	...	...	...	...
Total.....	939	951	49,481	939	971	49,465	939	938	46,557	939	938	48,949	897	934	49,566	-42	-4	617
Other Workyears																		
Holiday.....	1			1			2			2			2			...	...	...
Overtime.....	13			13			16			16			16			...	...	...
Total compensable workyears.....	965			985			956			956			952			-4		

Legal Activities
Salaries and expenses, Antitrust Division

Justification of Program and Performance

Activity Resource Summary

Activity: Enforcement of antitrust, consumer protection and kindred laws	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Federal appellate activity.....	31	25	\$1,046	31	25	\$1,094	27	25	\$1,094	-4	...	...
Reduction of private conspiratorial conduct...	253	244	13,467	253	244	14,166	253	244	14,166	...	...	...
Antitrust litigation for consumer protection.....	276	277	18,636	276	277	19,764	276	277	20,434	...	...	\$670
Judgment enforcement.....	25	24	938	25	24	985	25	24	985	...	...	...
Policy analysis, legislation and training.....	38	38	1,394	38	38	1,467	25	38	1,467	-13	...	...
Competition advocacy.....	121	130	4,671	121	130	4,912	109	130	4,912	-12	...	...
Executive direction and control.....	76	79	2,538	76	79	2,667	71	79	2,667	-5	...	...
Administrative services.....	46	43	1,633	46	43	1,713	43	43	1,713	-3	...	...
Total.....	73	78	2,034	73	78	2,181	68	74	2,128	-5	...	...
	939	938	46,557	939	938	48,949	897	934	49,566	-42	-4	617

These programs enforce antitrust, consumer protection, and kindred laws to make competition work throughout the American economy. The Antitrust Division fulfills its mission first as a law enforcement agency bringing civil and criminal antitrust cases, primarily under the Sherman and Clayton Acts, to promote or maintain competition in particular markets. Second, the Division participates in proceedings of federal (and occasionally state) regulatory agencies where those proceedings involve important questions of antitrust law or competition policy. Third, the Division appears before congressional committees and within the administration as champions of more competitive legislative and policy solutions to many of the nation's problems. Finally, Division personnel participate in seminars and speak before professional associations, business groups and other organizations as advocates of competition.

Activity: Federal appellate activity.....	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Federal appellate activity.....	31	25	\$1,046	31	25	\$1,094	27	25	\$1,094	-4	...	...

Long-Range Goal: To provide effective representation before courts of appeals and the Supreme Court for antitrust cases and in proceedings to review orders of certain regulatory agencies.

Major Objectives:

To continue to support sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States.

To protect the interests of the United States in the development of antitrust law through participation as amicus curiae in private antitrust appeals.

To advocate competition in appeals taken from regulatory proceedings.

Basic Program Description: The Division acts on antitrust cases before the Supreme Court as authorized by the Solicitor General; represents the interests of the United States in the courts of appeals in all civil and criminal cases brought by the United States under the Federal antitrust laws; reviews certain decisions of the Interstate Commerce Commission, the Federal Communications Commission, the Civil Aeronautics Board, the Federal Maritime Commission and the Nuclear Regulatory Commission and prepares an appeal position for the United States; and prepares and files amicus briefs in the courts of appeals and the Supreme Court in selected private antitrust cases.

Accomplishments and Workload:

	1979	1980	1981	1982
<u>Administrative Law Cases - Appellate</u>				
Pending beginning of year.....	479	504	497	489
Filed.....	421	308	308	277
Terminated.....	396	315	316	284
Pending end of year.....	504	497	489	482

Mifflin v. Real Estate Board of New Orleans

On January 8, 1980, the Supreme Court adopted the analysis set forth in our amicus brief in an 8-0 decision reversing the lower court rulings that price-fixing by New Orleans real estate brokers was not subject to the Sherman Act because it was not in or affecting interstate commerce. In an extensive reading of the jurisdictional reach of the Sherman Act the Court stated it would be sufficient for plaintiffs to show that substantial effect on interstate commerce was generated by defendant's brokerage activities but it need not be demonstrated that the alleged price-fixing itself affected interstate commerce.

California Retail Liquor Dealers Assn. v. Midcal Aluminum, Inc.

On March 6, 1980, the Supreme Court issued a decision favoring the Division's position as amicus in California Retail Liquor Dealers Assn. v. Midcal Aluminum, Inc. The Court held that (1) although California's wine-producing system was anticompetitive in its intent to prevent price competition, the State's involvement in the scheme did not rise to the level of "active supervision" required to invoke antitrust immunity under the Parker v. Brown state action doctrine; and, (2) the Twenty-first Amendment does not bar application of the Sherman Act to the state pricing scheme.

Catalano v. Target Sales, Inc.

In a per curiam opinion, the Supreme Court held that a horizontal agreement among beer wholesalers to fix credit terms is a per se violation of the antitrust laws. The decision, adopting the Division's position, reverses a Ninth Circuit opinion holding that such agreement would not necessarily violate the antitrust laws.

United States v. P. F. Goodrich Co. and United States v. Colonial Chevrolet Corp.

On August 12, 1980, the courts of appeals adopted our statutory interpretation, and permitted disclosure of grand jury materials to state attorneys general pursuant to section 4(b) of the Clayton Act, 15 U.S.C. 15f(b). By enhancing our ability to assist state antitrust agencies, these decisions are expected to facilitate state antitrust enforcement.

Diamond v. Chakrabarty

On June 16, 1980, the Supreme Court by a 5-4 vote rejected our challenge to a decision of the Court of Customs and Patent Appeals that living organisms are statutory subject matter under Section 101 of the Patent Code.

Dawson Chemical Co. v. Rohm and Haas Co.

On June 27, 1980, the Court, again by 5-4 vote, upheld the Fifth Circuit's ruling which we had contested as amicus curiae, that Congress in enacting Section 271 of the Patent Code had meant to make the doctrine of patent misuse inapplicable to contributory infringement suits by a patentee who tied the use of his patent to the sale of product useful only in the practice of that patent.

Program Changes: A decrease of 4 positions has been reflected in this program. No workyear decrease is reflected because this decrease has been offset by a proposed reduction in leave to maintain employment through 1982 at the reduced 1981 level. The appellate activity is a necessary continuation of the Division's antitrust enforcement efforts at the district court level. It is essential to the enforcement of antitrust laws that the appeal alternative be available. Any lower level of funding would not only cause the loss of effectiveness in the Division but also in the agencies represented and in our ability to defend decisions in lower courts in our favor against appeals by opposing parties. A reduction in funding will result in a deemphasis of the Division's amicus participation in private cases and its consultative role during district court litigation, the only two areas of discretionary activity.

1981 Appropriation				1982 Base				1982 Estimate				Increase/Decrease	
Anticipated				Perm.				Perm.				Perm.	
Pos.	MY	Amount		Pos.	MY	Amount		Pos.	MY	Amount		Pos.	MY
	253	244	\$13,467	253	244	\$14,166	253	244	\$14,166	...	...	...	...

Reduction of private conspiratorial conduct..

Long-Range Goal: To promote and maintain competition in the American economy by reducing private conspiratorial conduct to restrain trade or commerce.

Major Objectives:

To assist the Department's overall efforts against white collar crime by increasing visibility and effectiveness of the Division's enforcement efforts against price-fixing, bid-rigging and other restraints of trade.

To limit rate-setting in regulated industries strictly to the sphere in which Congress has expressly authorized it to exist.

To educate the public, business, and legal professions with respect to the principles of antitrust laws and enforcement policies.

To maximize competition among those bidding under the Government procurement program by coordination with and advice to other executive agencies on their property acquisition policies.

Base Program Description: Private conspiratorial conduct is deterred by investigating and litigating violations of Section 1 of the Sherman Act. Criminal prosecutions are employed to punish violators; civil actions seek to recover damages to the Government and secure injunctions against the continuation or renewal of illegal conduct. A wide range of investigatory techniques are used in this program including staff and FBI investigations, civil investigative demands, and grand jury investigations. In addition, the Division monitors private activity and market performance through its litigating sections and field offices and employs professional economists to collect and analyze regional and national market data, with special emphasis on highly concentrated industries.

Accomplishments and Workload:

	1979	1980	Estimates	
			1981	1982
<u>Antitrust Cases</u>				
Pending beginning of year.....	122	114	109	113
Filed.....	58	83	80	72
Terminated.....	66	88	76	68
Pending end of year.....	114	109	113	117
<u>Investigations</u>				
Pending beginning of year.....	479	455	300	254
Instituted.....	364	376	397	357
Terminated.....	398	531	443	400
Pending end of year.....	455	300	254	211

Note: Represents workload for reduction of private conspiratorial conduct, reduction of oligopoly and monopoly, and policy analysis, legislation and training.

United States v. Deerfield Specialty Papers, Inc., et al.

On February 28, 1980, a grand jury in Philadelphia returned a felony indictment charging five companies and eight individuals with a nationwide conspiracy to fix prices of glassine and greaseproof paper, used for protective packaging of foods, pharmaceuticals, tobacco, soap, chemicals, cosmetics, and machine parts. The affected commerce as of 1975 amounted to almost \$111 million. The indictment charges that beginning in 1973 and continuing to August 1976, the defendants and co-conspirators conspired to fix the prices of glassine and greaseproof paper. Trial was held in November 1980. Four companies and four individuals pled nolo contendere, one company and two individuals were acquitted, one individual was convicted and one was dismissed. Sentencing is scheduled for January 27, 1981.

United States v. Northside Realty Associates, Inc., et al.

On March 20, 1980, a Federal grand jury in Atlanta, Georgia charged four corporations and three individuals with a felony violation of Section 1 of the Sherman Act. The indictment charged that beginning in the spring of 1975 and continuing to September 1979, the defendants and co-conspirators conspired to fix real estate commission rates in the Atlanta area by increasing them to seven percent. The defendants are among the largest residential real estate brokers in the Atlanta area. Residential real estate brokerage firms bring together buyers and sellers of residential real estate and provide a wide range of other services to facilitate the sale of residential property. The maximum penalty upon conviction is a fine of \$1,000,000 for a corporation and a fine of \$100,000 and three years imprisonment for an individual.

United States v. FOREX Association of North America, et al.

On January 21, 1980, the Division filed a civil antitrust suit against two trade associations, the FOREX Association of North America and the Foreign Exchange Brokers Association (FEBAA), alleging a conspiracy to fix brokerage commission rates in the United States for foreign exchange transactions between banks. The complaint alleges that FOREX, whose members are predominantly foreign exchange and Eurocurrency deposit traders employed by commercial banks, and FEBAA, whose membership is composed of foreign exchange and Eurocurrency brokers, have agreed to fix the commission rates that brokers charge banks for brokerage services in the trading of foreign exchange and Eurocurrencies. Eurocurrencies are bank deposits in currencies other than that of the nation in which they are held. The complaint seeks to enjoin FOREX and FEBAA from fixing brokerage commission rates between them, or among their members.

United States v. Western Concrete Structures Company, Inc., et al.

A Federal grand jury in Los Angeles, California, on January 16, 1980, indicted two post-tension concrete companies on charges of conspiring to rig bids on construction of nuclear containment vessels from January 1974 to December 1975. Post-tension concrete construction is a process that adds tensile strength to architectural and structural concrete units by embedding high tensile steel tendons in conduits into concrete and then tightening these tendons with hydraulic jacks. Nuclear containment vessels are buildings erected around nuclear reactors and related equipment to provide shielding against the release of radioactive material in the event of a nuclear accident. The indictment also alleges that the defendants and co-conspirators conspired to eliminate Western Concrete Structures Company, Inc. as a competitor for the post-tensioning of certain nuclear containment vessels. All defendants except Western Concrete Structures Company and Allan Stubbs pled nolo contendere. Western Concrete Structures Company and Stubbs pled guilty. Fines totalling \$270,000 were imposed.

1981 Appropriation	Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	NY Amount	Ferm.	Pos.	NY Amount	Ferm.	Pos.	NY Amount	Ferm.	Pos.	NY Amount	Ferm.
Reduction of oligopoly and monopoly,.....	276	277 \$18,836	276	277 \$19,764	276	277 \$20,434	...	...	...	...	...	\$670

Long-Range Goal: To prevent and eliminate undue and illegal concentration of economic power in order to keep prices at competitive levels and reduce inflationary trends, and to prevent or dissipate concentrations of economic power that may threaten the economic, social and political way of life in the United States.

Major Objectives:

To provide independent, competitive behavior in concentrated industries through the initiation of investigations and litigation in major concentrated industries.

To implement and enforce effectively the premerger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

To utilize fully the expanded statutory authority provided the Division in the Antitrust Procedural Improvements Act of 1980.

To develop and implement managerial and procedural reforms that will allow big cases to be brought to conclusion more expeditiously.

Base Program Description: The Division promotes and maintains competition in the American economy through the investigation and litigation of noncompetitive conduct and market structure in concentrated industries, development of cost-effective legal initiatives designed to make oligopolies more competitive, and attacking mergers and acquisitions which may tend to eliminate competition by creating a monopoly or oligopolistic market structure.

Accomplishments and Workload:

	1979	1980	Estimates
		1981	1982
Antitrust Cases			
Pending beginning of year.....	122	114	109
Filed.....	58	83	80
Terminated.....	66	88	76
Pending end of year.....	114	109	113
			117
Investigations			
Pending beginning of year.....	479	455	300
Instituted.....	364	376	397
Terminated.....	388	531	443
Pending end of year.....	455	300	254
			211

Note: Represents workload for reduction of private conspiratorial conduct, reduction of oligopoly and monopoly, and policy analysis, legislation and training.

United States v. Hercules, Incorporated On January 11, 1980, the Division filed a civil monopolization case alleging that Hercules, Inc. of Wilmington, Delaware, has monopolized and attempted to monopolize the sale of industrial nitrocellulose in the United States. The product is a synthetic resin extensively used in paints and finishes. Annual sales of industrial nitrocellulose are approximately \$64 million. Hercules is the sole domestic producer of the product with its only manufacturing plant located in Perlin, New Jersey. The complaint also alleges that Hercules has exchanged price information with foreign industrial nitrocellulose producers to influence and control the price at which the product is sold in the United States. A proposed consent decree was filed on December 16, 1980. The proposed decree would enjoin Hercules from continuing or renewing any of the alleged illegal conduct.

United States v. Siemens Corporation, et al.

Trial began in November 1980, and will resume in January 1981, in the acquisition by Siemens A.G., a German corporation of the diagnostic products division of G.D. Searle & Co., based on information developed pursuant to premerger notification procedures. The top four companies in the market, which involves gamma ray camera diagnostic technology, currently account for 80 percent of the market. The Searle division, although in some financial difficulty, is the largest of the top four firms, accounting in 1979 for about 25 percent of the domestic market sales of about \$27 million. There is evidence that Siemens would have entered de novo, as well as information indicating the existence of two to four other potential entrants.

Program Changes: Computer support in the amount of \$670,000 is required for several activities in support of antitrust investigations and litigation to attack oligopolies under Section 2 of the Sherman Act and Section 7 of the Clayton Act. First, automated support of exhibit control, witness tracking and other trial management activities in each of ten cases will require: (1) \$20,000 for systems analysis and programming and (2) \$14,000 for computer processing, for a total of \$340,000. Second, for statistical analysis and numerical and graphic presentation of business data discovered from defendants and third parties in each of sixteen investigations and cases: (1) \$1,900 for converting the data to machine readable form, (2) \$6,000 for programming and (3) \$5,000 for computer processing, for a total of \$20,000. Third, \$130,000 is necessary to evaluate business conduct. The antitrust laws set standards of business conduct. In many instances legal evaluation of business conduct cannot be made without a chain of evidence between the conduct and impact on the market place. This chain of evidence is often complex. Business enterprises themselves, to an increasing extent, are subjecting the chain of evidence to systematic analysis in the form of computer models. These models are used to develop effective business strategies analytically rather than by trial and error. In order to properly understand and evaluate these business strategies it is necessary to obtain the evidence, much of which is on computer readable media, and then to analyze it with the same kind of computer tools which the businesses themselves use.

Effective marshalling and presentation of the evidence is the hallmark of good trial practice. Because of the complexity of the market place, evidence in antitrust cases is particularly challenging to the legal profession. As counsel to the Government in the prosecution of antitrust matters, it is incumbent upon the Antitrust Division to use modern tools, such as the computer, to enhance good trial practice. In addition, enactment of the Antitrust Procedural Improvements Act of 1980 clearly authorizes the Department to utilize modern document analysis techniques for the effective process of a civil antitrust investigation. This Act increases the effectiveness of computer support as an antitrust enforcement tool.

There has been an increasing demand for statistical analysis and numerical and graphic presentation of business data discovered from defendants and third parties. Effective response to this demand requires an intensive and case specific data collection and programming effort. Unlike analysis and presentation based on standard commercial data bases, this effort must be repeated for each case.

	1981 Appropriation				1982 Base				1982 Estimate				Increase/Decrease	
	Anticipated		Perm.		Pos.		WY Amount		Pos.		WY Amount		Perm.	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Antitrust litigation for consumer protection.	25	24	\$938	25	24	\$985	25	24	\$985	25	24	\$985	...	...
Long-Range Goal: To protect consumers from defective or harmful products and from unfair and misleading business practices.														

Major Objectives:

To provide effective enforcement of consumer protection statutes through civil and criminal litigation.

To assure that the rules and regulations of Federal agencies are consistent with consumer protection requirements and goals.

To assist consumers in the resolution of complaints outside the jurisdiction of the Justice Department by acting as an informal "ombudsman" in the referral of complaints to other Federal agencies and local enforcement agencies.

Basic Program Description: Objectives are accomplished by supervising or conducting substantive consumer protection litigation which arises under a number of Federal statutes including law enforcement prosecution and defensive litigation where officials of the principal consumer protection agencies are sued. Frequent consultation and advice is rendered to client agencies regarding pending and possible litigation. Examples of the types of cases are proceedings to prevent or punish the introduction into commerce of adulterated food, drugs and cosmetics, the sale and distribution of potentially harmful consumer and household use products, and civil penalty actions for violations of FTC cease and desist orders prohibiting consumer fraud. The Division also prepares comments on consumer-oriented legislation and handles consumer mail.

Accomplishments and Workload:

	1979	1980	1981	1982
<u>Consumer</u>				
Pending beginning of year.....	512	488	783	777
Referred.....	596	1,041	944	850
Terminated.....	610	746	950	855
Pending end of year.....	488	783	777	772

During 1980, a number of indictments in Food, Drug and Cosmetic Act matters were obtained. In cases in Kentucky and Florida, four individuals were charged with felonies relating to falsification of donor records and misbranding of plasma in commercial plasmapheresis centers. In a fifty-four count indictment filed in Miami, three individuals were charged with violations of criminal laws governing the operation of blood plasma banks of Miami and Inmatees, Florida. The charges included knowing falsification of information and forms as well as alleged shipment of serum in violation of the Food, Drug and Cosmetic Act. The president of a commercial plasma center formerly operating in Louisville, Kentucky was also indicted on similar charges. The third indictment was filed in the Northern District of New York alleging that a partnership and the three individuals who comprised it had violated federal criminal law governing the standards for warehouses in which foodstuffs are stored pending sale, thereby allowing food held for sale, after interstate shipment, to be adulterated and contaminated with filth. Food, Drug and Cosmetic Act criminal charges were also instituted in other matters, including three felony and four misdemeanor cases.

Thirty Federal Trade Commission civil penalty cases have been referred. In *United States v. Readers Digest*, a case involving advertisements alleged to be deceptive in violation of a FTC order, the judgment provided for \$1.75 million in penalties, the largest civil penalty ever awarded in such cases. A major case has been filed against eight firms alleging conspiratorial conduct in fixing prices in the corn products industry in violation of a FTC order. Two other cases filed seek penalties and injunctive relief for violations of the Fair Debt Collection Practices Act. In *United States v. Phelps Dodge*, alleging violations of an order prohibiting the exchange of price information in the paper cable industry, a \$300,000 settlement has been made with one of the defendants. A motion for summary judgment has been filed in a major case against Hertz Corporation alleging 275 violations of the Federal Trade Commission Rule, this is the first litigated case under Section 5(m)(1)(A) of the Federal Trade Commission Act, as amended, relating to civil penalties for violations of a Trade Regulation Rule. Consent judgments were entered in a number of civil penalty matters, including three cases against home improvement contractors and a case against ICI, involving failure of its subsidiary, Midsas, to meet certain divestiture requirements. The settlement in the latter case provided for injunctive relief as well as \$100,000 in penalties.

The Food and Drug Administration has been defended successfully in three cases in which drug manufacturers sought to prevent FDA from approving abbreviated applications filed by generic manufacturers as to generic versions of previously approved drugs. A case challenging the validity of FDA regulations requiring patient package inserts in drugs containing estrogens, such as birth control pills, has been successfully concluded. The FDA is being defended in a case alleging that the agency's failure to approve a food additive petition for cyclamates was contrary to law. Another case challenges FDA's Good Manufacturing Practice regulations. The agency was successfully defended in an action seeking to have nitrate in bacon declared an unsafe color additive. Assistance is being given in approximately 160 seizure cases involving x-ray machines which emit extensive amounts of radiation.

The Consumer Products Safety Commission's standard for refuse bins continues to be enforced through injunctive and seizure actions. Substantial efforts are being devoted to the implementation of a recent Executive Order requiring an extensive consumer responsiveness program in the Department.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Judgment enforcement.....	38	\$1,394	38	\$1,467	25	\$1,467	-13	...

Long-Range Goal: To achieve a visible and effective judgment enforcement program through systematic compliance investigations and litigation to impose sanctions on decree violators and, where necessary, obtain further injunctive relief.

Major Objectives:

To augment traditional reliance on complaints of possible violations by developing methods to identify judgments of sufficient importance to justify independent investigations.

To complete violation investigations on major judgments entered in 1980 and 1981, with initiation of civil or criminal enforcement litigation where warranted.

To have in place a standardized procedure for organization and entry of new decrees.

To identify decrees or decree provisions that have become unnecessary or anticompetitive over time and seek modification or termination by court action.

Base Program Description: A viable and effective compliance program is the best deterrent to non-compliance. To make its enforcement program effective, the Division investigates and brings civil and criminal contempt proceedings when it determines that judgments it has obtained are being disobeyed. The Division also monitors judgments that require further action by defendants, such as divestitures within a certain period of time, and initiates further litigation if defendants fail to comply.

Accomplishments and Workload:

United States v. Swift and Company

A modification of the 1920 judgment against the major meatpackers has been obtained. The modification will lead to termination of the decree within five years, and, in the meantime, substantially eliminates impediments to the defendants' right to compete in nonmeat food products, distribution and retailing levels.

United States v. American Broadcasting Companies, Inc.

On August 22, 1980, the Division filed a proposed consent decree terminating a civil antitrust suit against the American Broadcasting Companies, Inc. for restraining and monopolizing prime time television programming shown on the ABC network. Similar cases against CBS and NBC resulted in consent decrees, some provisions of which were conditioned upon the Department's obtaining like relief against ABC. The proposed decree would eliminate restrictive practices in the production and procurement of television programs by limiting for ten years the amount of programming ABC may produce for its own network; prohibiting ABC from conditioning access to its network upon a supplier's grant of any interest in ABC; limiting ABC's ability to prevent programs from switching to other networks or television stations; and enjoining ABC from obtaining any interest in television programs produced by others.

United States v. Loew's, Inc. (Paramount decree)

The consent decrees regulating conduct of major motion picture exhibition chains have been modified in two significant respects. Except in a very few concentrated markets, the defendant exhibitors no longer need court approval to acquire existing theaters. Of course, the antitrust law remains fully applicable to such acquisitions. Also, the decree applicable to Loew's has been modified to permit that exhibitor to engage in production and distribution of motion pictures. It is hoped that this will help reduce a shortage of product. Certain restrictions have been imposed to ensure Loew's exhibitor competitors will not be foreclosed from access to pictures distributed by Loew's.

Program Changes: The 1982 request reflects a reduction of 13 positions. No workyear decrease is reflected because this decrease has been offset by a proposed reduction in lapse to maintain employment through 1982 at the reduced 1981 level. The remaining resources are essential for the continuation of judgment enforcement, since the activities are largely non-discretionary. The Division must respond to complaints that the judgments it has obtained are being disobeyed by initiating civil and criminal contempt proceedings where warranted. Compliance reports must be reviewed and investigations initiated where indicated, to assure that firms subject to antitrust judgments comply with their provisions. Judgment enforcement will continue to be based primarily on complaints. This program will require fewer resources, and will promote efficiency in investigations, since investigative demands or visitation letters can be narrowly focused on alleged violations.

1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
Anticipated			Perm.			Perm.			Perm.		
Pos.	NY Amount		Pos.	NY Amount		Pos.	NY Amount		Pos.	NY Amount	
121	130	\$4,671	121	130	\$4,912	109	130	\$4,912	-12	...	...

Policy analysis, legislation and training...

Long-Range Goal: To ensure that the objective of increased competition in the marketplace is vigorously promoted in new legislation, and to enhance the quality of litigation and investigative activities through economic and statistical analysis, research of major legal issues, and improved training for Division attorneys and economists.

Major Objectives:

Encourage the submission and passage of legislation promoting a competitive economy and discourage legislation to limit anti-trust laws or provide new exemptions.

Develop sound economic bases for investigations and litigation to ensure that our enforcement program is beneficial to the economy.

Promote substantive and long-range planning in the allocation of resources among competing programs and the development of new or modified program initiatives.

Enhance the litigation skills of Division attorneys through continuing education and career development. The Division's goal is to have 50 percent of the attorneys participate in some form of training or continuing legal education each year.

Base Program Description: Several important functions are combined to accomplish the objectives of this program. These include legislative activities, research of major legal issues and economic conditions, provision of management information on Division activities, economic analysis for investigations and litigation, and attorney and economist training.

Accomplishments and Workload:

	1979	1980	1981	1982
Antitrust Cases				
Pending beginning of year.....	122	114	109	113
Filed.....	58	83	80	72
Terminated.....	66	88	76	68
Pending end of year.....	114	109	113	117
Investigations				
Pending beginning of year.....	479	455	300	254
Instituted.....	364	376	397	357
Terminated.....	388	531	443	400
Pending end of year.....	455	300	254	211

Notes: Represents workload for reduction of private conspiratorial conduct, reduction of oligopoly and monopoly, and policy analysis, legislation and training.

The Division prepared testimony in strong support of the Trucking Competition and Safety Act of 1979, which will reduce Federal regulation of the trucking industry. A central feature of this Act is a provision to prohibit price-fixing by motor carriers. Such conduct is a felony violation of the Sherman Act in other industries, but was permitted in the motor carriers industry by a special exemption to the Antitrust laws passed by Congress in 1948 over President Truman's veto. In opposing this provision of the Act, many motor carrier groups contended that repeal of the antitrust exemption would make illegal many common and desirable practices such as negotiating joint rates for interline movements in which two or more carriers transport a shipment from origin to destination. The Division argued that certain desirable practices which are utilized routinely by thousands of motor carriers, such as interlining conducted pursuant to joint-line rates, would not be placed in jeopardy by the removal of antitrust immunity as proposed in this legislation. On March 11, 1980, the Senate Commerce Committee approved an excellent trucking deregulation bill by a vote of 13 to 4, rejecting attempts to preserve any antitrust immunity for joint rate setting. The legislation was enacted into law during the summer of 1980.

The Division also helped draft and testified in support of the Antitrust Procedural Improvements Act of 1980, which was signed by President Carter on September 12, 1980. The Act contains several provisions designed to expedite antitrust litigation and reduce its costs, several of which were recommendations contained in the Report to the President and the Attorney General of the National Commission for the Review of Antitrust Laws and Procedures, January 22, 1979. Specifically, Section 2 of the Act establishes statutory authority and procedures by which the Division may issue Civil Investigative Demands (CIDs) for products of discovery obtained during litigation, including any indices, digests or analyses of such materials. Section 3 of the Act amends 28 U.S.C. § 1927 to provide express authority for courts to assess against counsel the costs, expenses and attorneys fees reasonably incurred on account of their dilatory conduct in litigation. Section 4 of the Act grants judges statutory authority to award prejudgment interest on actual damages for successful antitrust plaintiffs if the court finds the award of such interest is just in the circumstances. The section sets forth a series of factors that the courts are to consider in determining whether an award of interest under this section would be just.

Section 5 of the Act clarifies the applicability of the doctrine of collateral estoppel in antitrust proceedings. Section 6 of the Act makes two amendments to Section 7 of the Clayton Act. First, it substitutes the word "person" for the word "corporation", thus bringing within the express coverage of Section 7 transactions that may involve other than corporate entities. Second, it brings transactions involving firm whose activities "affect commerce" within the express coverage of Section 7, thus making its scope coextensive with that of Section 1 of the Sherman Act and Section 5 of the FTC Act. Finally, Section 7 of the Act clarifies the ability of the Division to utilize outside agents in connection with its CIP investigations, which should assist the Division's use of data processing and expert services in connection with such investigations.

The 96th Congress passed three major pieces of legislation during 1980 of significance to competition in regulated transportation industries. The Motor Carrier Act of 1980 and the Household Goods Transportation Act of 1980 increase competition and decrease regulation in the trucking industry. Several of the Act's major provisions eliminate unnecessary regulations that increase the cost of hauling freight or household goods without providing substantial benefits to the trucking industry or the public. The new laws make it easier for additional competitors, including particularly minority-owned firms and small businesses, to enter the trucking business and to receive ICC approval to operate over new routes. They increase pricing flexibility for carriers, and they provide for an end to collective rate making and antitrust immunity for single-line rates (rates charged by one carrier during an individual haul) as of January 1, 1984. The Staggers Rail Act of 1980 makes similar changes in the railroad industry, moving toward competition and deregulation. Among its major features: (1) the Act increases the ability of rail carriers to change rates within a defined zone of flexibility; and (2) it permits the ICC to exempt carriers from unnecessary regulations and makes it easier for rail carriers both to build new lines and abandon old lines. The Act also removes the antitrust immunity for discussions and agreements on single-line rates effective immediately and reduces the antitrust immunity available for discussion and agreements concerning joint-line rates beginning January 1, 1984.

The Antitrust Division played a leading role in negotiating a set of international principles and rules for the control of restrictive business practices. These voluntary principles and rules, which were endorsed unanimously by a U.N. conference in April 1980, were adopted as a resolution of the U.N. General Assembly. They create a permanent antitrust experts committee at the U.N., set forth voluntary rules for corporations engaged in international trade similar to U.S. antitrust rules and embody principles of universal application, non-discrimination and respect for business confidentiality sufficient to balance the obligations of enterprises and of governments.

Economic analysis has been enhanced by reorganization of the management structure and appointment of three assistant directors. The division of responsibility for assisting the sections and field offices and for research projects related to antitrust enforcement and policy issues assures a greater continuity in management, timely identification and staffing of Division matters that require economic analysis, and improved quality control since all work receives review by an assistant director.

In 1980, 1,051 training courses were attended by Antitrust Division professionals. A course on Investigation Techniques was prepared for new employees and presented during the Fall 1980 orientation program. Assistance has been given to the Attorney General's Advocacy Institute to ensure that both Assistant U. S. Attorneys and lawyers from state attorneys general offices receive antitrust litigation training.

Program Changes: Reflected in this request is a reduction of 12 positions. No workyear decrease is reflected because this decrease has been offset by a proposed reduction in lapse to maintain employment through 1982 at the reduced 1981 level. At this reduced level attorney training will continue to be supported within the limits of available resources. Participation in legislative review will be done for evaluations requested and a number of selected proposals of particular importance to the Division's programs. Economic assistance will be focused on the immediate pressing needs of current investigations and cases for which it is essential to provide economic support. Policy planning and analysis will be given to the most critical areas.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Competition advocacy.....	76	79 \$2,538	76	79 \$2,667	71	79 \$2,667	-5	...

Long-Range Goals: To eliminate unnecessary or counterproductive Governmental interference with free market forces and seek adoption of the least anticompetitive means of achieving overriding social purposes.

Major Objectives:

To achieve more competition in Federally regulated industries.

To minimize the prohibitions against and restrictions of competition under the guise of State regulation.

To stimulate competition in the delivery of professional services.

To reduce the antitrust immunities enjoyed by particular industries.

Base Program Description: The Division promotes competition policy in Federal regulatory decision-making in two basic ways. First, it participates in adjudicatory hearings and rule making proceedings of Federal regulatory agencies. Second, the Division evaluates Federal regulatory schemes to determine additional proceedings where intervention would be fruitful, and to develop legislative proposals for restructuring legislative mandates or procedures to eliminate unnecessary regulation. The Division also pursues the traditional avenues of litigation of violations outside or "on the margins" of statutory antitrust exemptions, and against professional associations and state regulation. Finally, the Division fulfills the obligation of the Department of Justice, set forth in a variety of Federal statutes, to submit reports to other Government agencies regarding the competitive implications of matters pending before them. These include, among others, the Federal Coal Leasing Amendments Act of 1975; the Deepwater Ports Act; the 1970 Amendments to the Atomic Energy Act, 42 U.S.C. §2135; Section 408(b) of the Federal Aviation Act of 1958, 49 U.S.C. §1378; the 1966 Bank Merger Act, 12 U.S.C. §1828; and the Outer Continental Shelf Act Amendments of 1978.

Accomplishments and Workload:

The Division continues to be active in the energy industry. A comprehensive antitrust Advice and Recommendation for the Secretary of the Interior was prepared regarding the Outer Continental Shelf Federal/State Reservoir Sea Oil and Gas Lease sale conducted December 11, 1979. Other antitrust reviews issued involved coal leases, Outer Continental Shelf leases, national petroleum reserves and licensing proceedings at the NRC. A paper recommending the most effective procompetitive solution was submitted to the Department of Energy (DOE) and the Department of the Treasury regarding the competitive implications of a proposed oil import quota. Antitrust guidance on several matters involving the development of solar energy programs was provided to DOE.

Two suits against major acquisitions in the finance industry were concluded by negotiating consent decrees, which, by requiring divestiture, eliminate the acquisitions' anticompetitive effects.

In the transportation industry, the Division participated in all airline merger cases at the Civil Aeronautics Board. As a result, mergers between Continental and Western and Eastern and National were disapproved and the merger between Pan American and National was approved on the condition that National's Miami-London route be awarded to a new entrant to maintain competition against the merged carrier over the Atlantic.

Program Changes: A reduction of 5 positions is reflected in this request. No workyear decrease is reflected because this decrease has been offset by a proposed reduction in lapse to maintain employment through 1982 at the reduced 1981 level. This funding level will allow the Division to continue its regulatory activities with less detailed analysis and curtailment of new initiatives. It is essential to evaluate Federal regulatory schemes in order to advise other departments and agencies on the competitive issues involved, and to develop legislative proposals for restructuring legislative mandates or procedures to eliminate unnecessary or counterproductive Governmental interference with free market forces. This activity, which was undertaken piecemeal within the Division for many years, has been accelerated in response to general economic problems and growing public awareness of inadequacies in a system of direct economic regulation.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Executive direction and control.....	46	\$1,633	46	\$1,713	43	\$1,713	-3	...

Long-Range Goal: To provide effective and efficient management and policy direction of all Antitrust Division activities.

Major Objectives:

To provide policy direction and energizing leadership for antitrust enforcement personnel.

To develop and maintain a working climate for Division personnel that fosters interest in, enthusiasm for, and dedication to the Division's programs.

To serve as articulate and persuasive spokespersons for competition policy within the Administration, before regulatory agencies and the Congress, and before the general public.

To allocate resources and control the current and future workload and output of the Division to produce results that are beneficial to the American people.

To improve the Division's capability to meet the requirements imposed upon it by the disclosure provisions of the Freedom of Information and Privacy Acts.

Base Program Description: The responsibility for enforcing antitrust statutes requires reaction to complaints and to identifiable economic conditions, and a more sophisticated initiative designed to develop enforcement programs for long-range problems such as monopolistic or oligopolistic business structure. The Division also has the responsibility for serving as the Federal Government's primary spokesman and analyst on competition policy and its impact on legislative and governmental actions. The staff determines the allocation of a finite amount of resources among competing programs to meet the varied responsibilities of the Division as effectively as possible.

Accomplishments and Workload:

Continued use is being made of periodic management reports, based on the time reporting of the Division's attorneys and economists. These reports continue to be of great use to the top management of the Division. Revisions to the Division's Antitrust Case-load Evaluation System (ACES) have been made to include paraprofessional time reporting and to produce management-by-exception reports.

Program Changes: A decrease of 3 positions and \$64,000 is reflected in this request. No workyear decrease is reflected because this decrease has been offset by a proposed reduction in lapse to maintain employment through 1982 at the reduced 1981 level. This resource level is essential for the Assistant Attorney General to manage, direct and control the activities of the Antitrust Division. Analysis and policy recommendations are generated directly for Division leadership. Topics of consideration include unique legal, economic, budgetary and administrative issues. Since time restrictions make it impossible for the Assistant Attorney General to devote significant time to each of these questions, the quality and staffing of this program are critical for the Division to be managed effectively and in a manner consistent with current trends and practices in the Federal Government. At this level Freedom of Information and Privacy Act responsibilities will be met.

1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
Anticipated		Perm.		Perm.		Perm.	
Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount

Administrative services.....	73	78	\$2,034	73	78	\$2,181	68	74	\$2,128	-5	-4	-\$53
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Long-Range Goal: To provide effective and efficient administrative support services for all Antitrust Division activities.

Major Objectives:

To provide improved administrative support to the Division's program managers and to develop and implement improved management systems.

To support the Division's professional staff with modern tools for information processing.

Base Program Description: Support encompasses a wide variety of things that must be done to provide the resources and tools needed by the attorneys and economists to do their jobs. As the size and complexity of the Antitrust Division has increased, so has the need for administrative services.

Although resources associated with the Information Systems Support Group are reflected in those programs for which it provides support services, this unit plays a primary role in the Division's administrative services program. It is responsible for developing indexing and retrieval systems for investigations and cases involving a substantial volume of documents, assisting our trial staffs in developing appropriate taxonomies and thesauri for use in retrieval of information from an automated data base; assisting attorneys and economists in the discovery, analysis and interpretation of machine-readable records; identifying and obtaining economic data bases for our economists to use in analyzing such things as market shares, concentration ratios, and pricing and distribution patterns; providing management information data systems for tracking investigations and cases, and allocating resources; and developing an automated Division work product file for legal research.

Accomplishments and Workload:

The Division's Executive Office continues to improve the coordination and supervision of its administrative support functions. Significant factors in the improvement of these activities are increased professionalism, greater use of systems support, development of formalized procedures, such as the implementation of a formal directive system providing information on available services, as well as better coordination with the Department's administrative personnel.

Program Changes: This request reflects a reduction of 5 positions, 4 workyears and \$53,000. This resource level is essential to assure that basic support services are available for the Division's attorneys and economists to carry out their duties. The level of support required is dependent upon the workloads of all the other programs.

Legal Activities
Salary and expenses, Antitrust Division
Priority Ranking of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	REDUCTION OF PRIVATE CONSPIRATORIAL CONDUCT	1	REDUCTION OF PRIVATE CONSPIRATORIAL CONDUCT
2	REDUCTION OF OLIGOPOLY AND MONOPOLY	2	REDUCTION OF OLIGOPOLY AND MONOPOLY
3	POLICY ANALYSIS, LEGISLATION AND TRAINING		
4	EXECUTIVE DIRECTION AND CONTROL		
5	COMPETITION ADVOCACY		
6	JUDGMENT ENFORCEMENT		
7	ADMINISTRATIVE SERVICES		
8	FEDERAL APPELLATE ACTIVITY		
9	ANTITRUST LITIGATION FOR CONSUMER PROTECTION		

53

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1981 as enacted.....	939	903	\$44,862
Supplementals requested:			
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$2,295
Deferral of programs to meet increased pay costs.....			-600
Net pay supplemental.....	...	-25	1,695
1981 appropriation anticipated.....	939	938	\$46,557
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	626
Within-grade increases.....	...	...	274
Health benefits costs.....	...	...	59
Standard Level User Charge (SLUC).....	...	...	219
GSA recurring reimbursable services.....	...	...	28
Federal Telecommunications System (FIS).....	...	...	148
Travel costs - airfare increases.....	...	...	270
Departmental printing and reproduction costs.....	...	...	30
General pricing level adjustment.....	...	...	738
Total, uncontrollable increases.....	...	...	2,392
1982 Base.....	939	938	\$48,949

524

Legal Activities
Salaries and expenses, Antitrust Division
Adjustments to Base and Built-In Charges
(Dollars in thousands)

	Work- years	Amount
<u>Uncontrollable increases:</u>		
1. Annualization of 1981 pay increases.....	...	\$626
<p>This provides for annualization of the October 5, 1980 pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 and four days (October 1-4, 1980) were not included in the pay raise. Of the pay raise amount of \$2,295,000, \$600,000 was absorbed by deferring contracts for other services. The calculation of the amount required for annualization is:</p> <p style="margin-left: 40px;">3/261 x amount of pay raise..... \$26,000 1981 Absorption of pay..... 600,000 Total annualization..... \$26,000</p>		
2. Within-grade increases.....	...	274
<p>This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$251,000 and benefits \$23,000 = \$274,000.)</p>		
3. Health benefits costs.....		59
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on Government costs. The requested increase of \$59,000 provides for payment of the average rate percent over the \$476,000 now available.</p>		
4. Standard Level (tier) Charges (SLOC).....		219
<p>P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. The increase of \$219,000 provides for the same quality and quantity of space in 1982 as in 1981.</p>		
		29

	Work- Years	Amount
5. GSA recurring reimbursable services.....	...	\$28
The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$28,000 will provide the same level of service in 1982 as in 1981 which was \$96,000.		
6. Federal Telecommunications System (FTS).....	...	148
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$148,000 over a base of \$182,000.		
7. Travel costs - airfare increases.....	...	270
Although airline fares are subject to less regulation as a result of the Deregulation Act and the regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$270,000 over the base of \$71,000.		
8. Departmental printing and reproduction costs.....	...	30
Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$30,000 over the base of \$333,000.		
9. General pricing level adjustment.....	...	738
This request applies to GSA pricing guidance as of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.		
Total uncontrollable increases.....	...	2,392
Total, adjustments to base and built-in changes.....	...	2,392
	...	30

Legal Activities
Salaries and expenses, Antitrust Division
Financial Analysis - Program Changes
(dollars in thousands)

Item	Federal Appellate Activity		Reduction of Oligopoly and Monopoly		Judgment Enforcement		Policy Analysis, Legislation and Training	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>								
GS/GA-15.....	...	...	...	...	-1	-\$45	...	...
GS/GA-14.....	...	...	...	...	-2	-76	-1	-\$38
GS/GA-13.....	-1	-\$32	...	...	-2	-64	-1	-32
GS-12.....	-1	-27	...	...	-2	-54	-2	-54
GS-11.....	...	...	...	...	-3	-67	-2	-23
GS-9.....	...	...	...	...	...	...	...	...
GS-7.....	-1	-15	...	...	-1	-15	-1	-15
GS-5.....	-1	-12	...	...	-2	-25	-5	-61
Total positions and annual rates.....	-4	-86	...	...	-13	-346	-12	-223
Lapses.....	4	86	...	...	13	346	12	223
Total workyears and personnel compensation.....	...	...	...	...	...	...	...	...
Personnel benefits.....	...	...	...	...	...	...	...	...
Travel and transportation of persons.....	...	...	...	...	...	...	...	...
Communications, utilities and other rent.....	...	...	...	...	...	...	...	...
Other services.....	...	...	...	\$670	...	...	...	...
Supplies and materials.....	...	...	...	...	...	...	...	...
Total workyears and obligations, 1982.....	...	...	...	670	...	...	...	...

Legal Activities
Salaries and expenses, Antitrust Division
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Competition Advocacy		Executive Direction and Control		Administrative Services		Totals	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>								
GS/GM-15.....	...	...	...	...	...	...	-1	-845
GS/GM-14.....	...	...	...	...	...	...	-3	-114
GS/GM-13.....	...	...	...	...	...	...	-4	-128
GS-12.....	-2	-553	...	...	...	...	-7	-188
GS-11.....	-1	-22	-1	-22	...	...	-7	-134
GS-9.....	...	...	-1	-19	...	...	-1	-19
GS-7.....	...	...	-1	-15	...	...	-4	-60
GS-5.....	-2	-24	...	...	-5	-861	-15	-183
Total positions and annual rates.....	-5	-99	-3	-56	-5	-61	-42	-871
Lapses.....	5	99	3	56	1	12	38	822
Total workyears and personnel compensation.....	...	...	...	...	-4	-49	-4	-49
Personnel benefits.....	...	...	...	...	...	-4	-4	-4
Travel and transportation of persons.....	...	...	...	...	...	...	...	...
Communications, utilities and other rent.....	...	...	...	...	...	...	...	...
Other services.....	...	...	...	...	...	...	...	670
Supplies and materials.....	...	...	...	...	...	...	...	...
Total workyears and obligations, 1982.....	...	...	...	...	-4	-53	-4	617

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease Positions & Workyears	Amount
	Positions & Workyears	Amount	Positions & Workyears	Amount		
Executive Level IV, \$52,750.....	1		1		...	
ES-4, \$50,112.....	23		23		...	
ES-3, \$50,112.....	1		1		...	
ES-2, \$50,112.....	7		7		...	
ES-1, \$50,112.....	1		1		...	
GS/GM-15, \$44,547-\$50,112.....	144		143		-1	
GS/GM-14, \$37,871-\$49,229.....	114		111		-3	
GS/GM-13, \$32,048-\$41,660.....	118		114		-4	
GS-12, \$26,951-\$35,033.....	87		80		-7	
GS-11, \$22,486-\$29,236.....	57		50		-7	
GS-10, \$20,467-\$26,605.....	2		2		...	
GS-9, \$18,585-\$24,165.....	57		56		-1	
GS-8, \$16,826-\$21,875.....	36		36		...	
GS-7, \$15,193-\$19,747.....	123		119		-4	
GS-6, \$13,672-\$17,776.....	63		63		...	
GS-5, \$12,266-\$15,947.....	68		53		-15	
GS-4, \$10,963-\$14,248.....	23		23		...	
GS-3, \$9,766-\$12,700.....	10		10		...	
GS-2, \$8,951-\$11,265.....	4		4		...	
Total, appropriated positions.....	939	\$27,643	897	\$27,024	-42	-\$619
Pay above stated annual rates.....	...	94	...	94	...	...
Lapses.....	-91	-2,176	-54	-1,354	37	822
Net savings due to lower pay scales for part of year.....	-1	-24	...	...	1	24
Net permanent.....	847	25,537	843	25,164	-4	227

Legal Activities
Salaries and expenses, Antitrust Division
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase/Decrease Per Year Amount
	Per Year	Amount	Per Year	Amount	
11.1 Permanent positions.....	847	\$25,537	843	\$25,764	-4
11.3 Positions other than permanent:					
Part-time permanent.....	21	439	21	439	...
Temporary employment.....	66	1,055	66	1,055	...
Other part-time and intermittent employment.....	4	77	4	77	...
11.5 Other personnel compensation:					
Overtime.....	18	390	18	390	...
Other compensation.....	...	98	...	98	...
11.8 Special personal services payments...	...	38	...	38	...
Total, workyears and personnel compensation.....	956	27,634	952	27,861	-4
12 Personnel benefits.....					
21 Travel and transportation of persons.....	2,378		2,457		79
22 Transportation of things.....	1,406		1,676		270
23.1 Standard level user charges.....	149		163		14
23.2 Communications, utilities, and other rent.....	2,436		2,655		219
24 Printing and reproduction.....	1,870		2,108		238
25 Other services.....	8,933		627		30
26 Supplies and materials.....	557		10,754		1,821
31 Equipment.....	567		589		32
Total obligations.....		46,557		49,566	3,009
Relation of obligations to outlays:					
Obligated balance, start-of-year.....		12,835		14,185	
Obligated balance, end-of-year.....		-14,185		-16,037	
Outlays.....		45,207		47,714	

GENERAL STATEMENT

Mr. SMITH. Mr. Favretto, do you have a general statement?

Mr. FAVRETTO. Yes, Mr. Chairman. My prepared statement has been submitted for the record.

Mr. SMITH. We will include it, then.

[The prepared statement of Richard J. Favretto follows:]

ANTITRUST DIVISION

STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL, RICHARD J. FAVRETTO

Mr. Chairman and Members of the Subcommittee: I appreciate the opportunity to appear in support of the Antitrust Division's budget request for fiscal year 1982 of \$49,566,000 and 897 positions. The budget request provides for the following major items:

1. Uncontrollable increases in the amount of \$2,518,000 are required to maintain current operating levels. Major items included in this category are annualization of the 1981 pay increase and the general pricing level adjustment.

2. A program increase of \$670,000 is requested to provide adequate computer support for cases and investigations relating to the reduction of oligopoly and monopoly.

3. Program decreases of 42 positions and \$53,000 are reflected in this request. Since the Division's actual 1981 employment level and workyears are below the 1982 request, the employment lapse, which corresponds with the 42 position decrease, reflects only a reduction of 4 workyears.

The proposed position reductions would be allocated as follows:

	Positions	Workyears	Amount
Federal appellate activity	- 4		
Judgment enforcement	- 13		
Policy analysis, legislation, and training	- 12		
Competition advocacy	- 5		
Executive direction and control	- 3		
Administrative services	- 5	- 4	-\$53,000
Total	- 42	- 4	-\$53,000

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or other members of the subcommittee may have.

LEADERSHIP OF ANTITRUST DIVISION

Mr. FAVRETTO. I don't believe I have any elaboration on what is included in that very brief statement. I would rest on the statement, and be prepared to answer any questions that the Chair may have.

Mr. SMITH. Mr. Favretto, are you the acting assistant attorney general?

Mr. FAVRETTO. Yes, Mr. Chairman, I am.

Mr. SMITH. How long have you been with the Department?

Mr. FAVRETTO. In the Antitrust Division my entire professional career for 14 years. I started as a trial attorney on the staff in the Antitrust Division, and have worked up through the Division to the position, the permanent position, of deputy assistant attorney general, and in the interim between Administrations, and before the confirmation of a successor to President Carter's assistant attorney general, I am serving as acting assistant attorney general.

Mr. SMITH. Do you know what plans have been made for the assistant attorney general to head this Division?

Mr. FAVRETTO. Professor William F. Baxter of Stanford Law School has been nominated by the President. He had his confirmation hearings last week, and I believe action by the Senate Judiciary Committee on his nomination is imminent, if it has not already occurred.

ANTITRUST STAFFING

Mr. SMITH. How many attorneys are employed by this division?

Mr. FAVRETTO. Current strength, Mr. Chairman, I believe is about 420.

Mr. SMITH. And how many personnel in total?

Mr. FAVRETTO. Approximately 830 full-time personnel.

Mr. SMITH. Where are these people located? Are they all in Washington?

Mr. FAVRETTO. Approximately, I would say—these are very rough approximations, Mr. Chairman—I would say about 60 to 70 percent are in Washington and about 30 percent are in field offices, eight different regional field offices throughout the country.

The figures, Mr. Chairman, are 115 attorneys assigned to the field, and total personnel in the field, 204.

FTC LIAISON

Mr. SMITH. Is there any coordination between your field offices and those of the FTC?

Mr. FAVRETTO. There is an ongoing coordination that is informally carried on between our field offices and the regional offices of the FTC. There is a more formal coordination, liaison process, that is carried on between division headquarters and the FTC's headquarters in Washington.

Mr. SMITH. Are your field offices located in the same cities?

Mr. FAVRETTO. In some instances, they are, Mr. Chairman. I am not sure if in all instances that is the case, but I believe that in most of the cities in which we have field offices, with maybe one exception, those cities also have regional field offices of the FTC.

I believe the FTC has more in numbers, more regional offices, than the Antitrust Division has.

Mr. SMITH. Please provide for the record a list of where the field offices are located for both the FTC and the Antitrust Division. [The information follows:]

REGIONAL OFFICES OF THE ANTITRUST DIVISION AND FEDERAL TRADE COMMISSION

Antitrust Division field offices: Atlanta, Chicago, Cleveland, Dallas, Los Angeles, New York, Philadelphia, and San Francisco.

Federal Trade Commission regional offices: Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Los Angeles, New York, San Francisco, and Seattle.

JURISDICTION OVERLAP WITH FEDERAL TRADE COMMISSION

Mr. SMITH. I understand you have an informal arrangement with the FTC, although the law doesn't require it, where you choose which case one or the other will accept.

Do you ever work on the same case?

Mr. FAVRETTO. We have not worked simultaneously on the same case. There have been some instances where one of the agencies

has, subsequent to a matter being handled by the other agency, also taken a look at the competitive significance of that particular matter.

That has happened rarely. There is, I should hasten to add, no legal barrier to both agencies looking simultaneously at something, but in the interests of efficient enforcement and allocation of resources, we do not simultaneously look at the same thing.

We have overlapping jurisdiction in some areas of antitrust enforcement, and we avoid duplication through our liaison procedure.

ANTITRUST CASELOAD

Mr. SMITH. What cases are now pending that the public is aware of?

Mr. FAVRETTO. Cases of?

Mr. SMITH. Major cases pending?

Mr. FAVRETTO. I believe, at the present time, Mr. Chairman, we have in excess of 100 pending cases, that is, civil and criminal cases. They run a spectrum from Section 1 of the Sherman Act cases, Section 2 of the Sherman Act cases through Section 7 of the Clayton Act, merger, monopoly and restraint of trade cases.

The most familiar cases, I would imagine, are the two monopoly cases involving the American Telephone & Telegraph Company and the International Business Machines Corporation.

Mr. SMITH. Do you have any idea as to when they will be concluded?

Mr. FAVRETTO. The case against AT&T is in trial now. Trial has recently commenced. My sense of that process is that the trial is moving along very efficiently, and we anticipated that under the guidance of Judge Greene, the Federal judge in that case, that that trial will come to a relatively rapid conclusion.

It is a complex case, I would hasten to add, and one involving enormous quantities of evidence—documents and testimony—but the procedures that have been invoked in that case have gone a long way towards insuring that the case will be completed as expeditiously as possible.

The IBM case has, as I am sure the Chair is aware, been in trial for a rather long time in New York. My understanding is that the parties are hopeful that within the next several months that case will also be concluded.

Mr. SMITH. You said 100 cases. Are you talking about the cases where you actually filed pleadings?

Mr. FAVRETTO. Yes, where we have initiated prosecutions. The number is somewhere in excess of 100, Mr. Chairman.

I don't have the precise figure, but the rule of thumb that I have always been comfortable with is that at any one time, the Division always has 100 cases in active prosecution, and that is the number I am using.

ABSORPTION OF FTC WORKLOAD

Mr. SMITH. Was this budget formulated with the idea that you would absorb the responsibilities of the FTC's Bureau of Competition?

Mr. FAVRETTO. To the extent that I am aware, Mr. Chairman, the budget was not formulated with that objective in mind.

Mr. SMITH. They didn't give you any additional money to handle those responsibilities?

Mr. FAVRETTO. I am not aware that the budget process involved any decision on the nature or extent of any curtailment in the Federal Trade Commission's activities, or in the nature and extent of the Antitrust Division's taking up that burden.

Mr. ROONEY. Mr. Chairman, if I may, the budget request for Antitrust was not changed at all by the new Administration from the prior Carter Administration request. This was largely because consideration was given that there would be no reductions, primarily based upon the potential need to pick up some of the workload from the FTC.

Mr. SMITH. Have you had excess personnel to do the job you need to do?

Mr. FAVRETTO. At the current time, yes, Mr. Chairman.

Mr. SMITH. You have had excess personnel?

Mr. FAVRETTO. Oh, excess? We have had sufficient personnel to do the job. I hasten to add that I misunderstood the question.

Mr. SMITH. If you haven't had an excess, how could you absorb any workload from FTC?

Mr. FAVRETTO. I think, Mr. Chairman, that it is difficult to answer that question in the abstract at the present time.

I think the nature of any need we may have for additional resources in the event some curtailment of the FTC's enforcement responsibilities occurred has to await the determination of the nature and scope of that curtailment.

I can imagine situations where we would not need additional personnel, and I can imagine other situations where perhaps we might, but I think it is very difficult at this point in time to answer that question definitively.

ANTITRUST CASE CONCLUSIONS

Mr. SMITH. In the past year, what cases and how many cases have been concluded?

Mr. FAVRETTO. Concluded, Mr. Chairman? I can supply that exact figure.

Again, we normally conclude the same number of cases as we initiate in any given year.

Last year we initiated approximately 83 cases. I would imagine we concluded somewhere between 80 and 100 cases as well during that same period.

Mr. SMITH. Please insert in the record the cases you concluded. [The information follows:]

CASES TERMINATED DURING FISCAL YEAR 1980

CRIMINAL CASES

Won: James J. Tedesco, et al., Robert R. Reeves, Burnell G. Watson, Continental Group, Inc., et al., and Jack Foley Realty, Inc., et al.

Lost: Flavorland Industries, Inc., et al. and Atlas Prestressing Corp., et al.

Guilty Pleas: G & R Construction Company, Inc., et al., Freddie A. Ferrell, James Stanley Fugate, Hubert Carl Riddle, Hoover Reporting Company, Inc., Interstate Paving Company, et al., Summers-Taylor, Inc., et al., Robert T. Summers, Brown Brothers, Inc., et al., M.C. West Paving Co., Inc., et al., William R. Carter, Tennessee Paving Company, Inc., Bradford Miller, Columbia Reporting Company, Inc., CSA Reporting Corporation, Lockwood Construction Co., Inc., et al., Ashland-Warren,

Incorporated, et al., Rufus E. Dalton, Ashland-Warren, Inc., Ashland-Warren, Inc., Haynes A. Hubbs, Claiborne L. McLeod, Mid-Tenn Paving Co., et al., Ace-Federal Reporters, Inc., Tillett Brothers Construction Company, Inc., et al., Frank A. Haynie, Jr., Hoover, Inc., et al., Hubbs Construction Company, John L. Burns, Tennessee Blacktop, Inc., Ben M. Swaringen, Burns & Baker, Inc., et al., and Alderson Reporting Company, Inc.

Nolo Pleas: Boise Cascade Corporation, et al., Peter P. Dennis, Inc., et al., International Paper Company, et al., Hammermill Paper Company, et al., Rheem Manufacturing Company, et al., United States Gypsum Company, et al., VSL Corporation, et al., Western Concrete Structures Company, Inc., et al., Acme Meat Company, et al., Detroit Lumbermen's Association, et al., Campbell Hardware, Inc., et al., and Borg, Inc., et al.

*Dismissed:*² Fidelity Equipment Leasing Corporation, et al.

CIVIL CASES

Won: Texas State Board of Public Accountancy, Work Wear Corporation, and Household Finance Corporation, et al.

Lost: American Society of Anesthesiologists, Inc., Archer Daniels Midland Company, et al., Tracinda Investment Corporation, et al., and Mid-America Dairymen, Inc.

Consent Decrees: National Broadcasting Company, Leviton Manufacturing Co., Inc., et al., Borden, Inc., et al., Bethlehem Steel Corporation, et al., City Linen, Coat & Apron Supply Service, Inc., et al., Medusa Aggregates Company, et al., Black Millwork Co., Inc., et al., Martin Marietta Corporation, et al., Beneficial Corporation, et al., Beneficial Corporation, et al., Electric Fuse Manufacturers Guild, et al., Acme Meat Company, et al., Chelsea Industries, Inc., et al., Arden-Mayfair, Inc., et al., Essex Group, Inc., et al., Tobacco Distributors' Association of N.J., et al., South Carolina Health Care Association, Inc., Emerson Electric Co., et al., Andrew Carlson & Sons, Inc., et al., Jos. Schlitz Brewing Company, et al., Continental Group, Inc., et al., CBS Inc., Rockwell International Corporation, et al., Texas Citrus and Vegetable, Growers and Shippers, et al., Greater Syracuse Board of Realtors, Inc., et al., Rea Construction Company, and E. I. du Pont de Nemours & Co., Inc.

Dismissed on Government's Motion: Associated Milk Producers, Inc.

Dismissed: Flavorland Industries, Inc., et al. and Under Sea Industries, Incorporated (Reopened).

SCOPE OF ANTITRUST CASES

Mr. SMITH. Did any of these have industry-wide implications, or were they just individual cases on individual companies?

Mr. FAVRETTO. I think all of our cases, to some extent, Mr. Chairman, have industrywide implications, whether they be regional or local industries or more national industries. Even cases which arise as a result of a limited investigation and result in the indictment or the prosecution of one or two companies frequently have a significant impact in some local or regional market.

Mr. SMITH. How long, on average, does it take to conclude a case?

Mr. FAVRETTO. That, again, is a difficult question to answer in general terms.

I think it varies with the nature of the prosecution. Certainly cases which involve allegations under Section 2 of the Sherman Act, monopoly allegations, where the evidence required in the prosecution is very complex and voluminous, and the stakes are so high for the company involved, because relief usually entails some dramatic form of remedy, those cases take a good long time.

The Section 1 prosecutions, the criminal prosecutions, which are forming a greater share of the numbers of cases we file, are concluded very quickly, because of the requirements of the Speedy Trial Act and other measures imposed by the Federal Judiciary.

Those cases are frequently concluded within the same year that they are initiated.

² Filed by the U.S. Attorney.

Mr. SMITH. Did any of these 83 cases have large numbers of persons involved in the same case, or businesses?

Mr. FAVRETTO. By that, you mean multiple defendants, Mr. Chairman?

Mr. SMITH. Yes.

Mr. FAVRETTO. Yes, a number of them do, I am quite certain of that.

Mr. SMITH. Eighty-three cases are not very many compared to the size of the country, the number of businesses involved, and the number of industries that have monopolies, shared monopolies or oligopolies.

It seems like a trivial amount.

Mr. FAVRETTO. Well, the investigatory and prosecution process is one which requires some commitment of resources, and we try to cover the economy in the best way we can with what we have available.

I think we do a good job, in some cases an excellent job, doing that. I would, of course, not wish to say that we could not do more if we had more resources to do it with, but I think within the programs we have established as our primary programs, I believe we cover those programs very well, and we have effectively done our job up to this point.

ENFORCEMENT OF ANTITRUST LAWS

Mr. SMITH. Are you dealing primarily after the fact? It is after someone has already violated the law, correct?

Mr. FAVRETTO. Certainly in the area of criminal prosecutions, that's correct, because the criminal prosecution involves punishment for past transgressions and deterrence of those who might in the future contemplate such activity. It is an oversimplification to say that an enforcement program, a criminal enforcement program, is designed totally to take care of past transgressions, however. I would think that the deterrent impact of criminal prosecutions, jail terms, stiff penalties, that sort of thing, is an important prospective aspect of our enforcement program, and I think that has to be taken into account.

On the civil front, again, you have deterrence as an issue in evaluating any enforcement program, but you also have injunctions, which civil cases are designed to achieve, which remedy violations and provide for future relief in those industries.

Certainly Section 7 of the Clayton Act, which is the other major area of our enforcement responsibilities, involves violations which we call incipency violations, which may give rise to an elimination of competition in the future, and which only now appear in their incipency. Section 7 gives us the authority to reach those violations before they, if you will, ripen into mature violations and restraints of trade.

RECOMMENDATIONS TO AMEND SHERMAN AND CLAYTON ACTS

Mr. SMITH. Have you made any recommendations for changes in either the Sherman or the Clayton Acts?

Mr. FAVRETTO. I don't believe that the Department has any pending recommendations for amendments to the Sherman or Clayton Acts.

Mr. SMITH. Have any studies been conducted or has any consideration been given as to how you could prevent these things from happening instead of waiting until they have happened, and then trying to bring remedial action?

Mr. FAVRETTO. I think there is a continual study of how we might improve the scope and reach of the antitrust laws.

I think there have been in past administrations some recommendations made for modifications to the antitrust laws and some of those have been adopted and enacted.

I am not aware at the present time, although it is early in the new Administration, of any focused or defined study in that regard nor, Mr. Chairman, I would hasten to add, am I aware of a precise need for any additional amendment to the antitrust laws to reach any problem which may be presenting itself at the present time.

MARKET SHARES

Mr. SMITH. What rule is applied on the share of an industry a given number of companies can have, before you determine that it is a violation?

Mr. FAVRETTO. I think market shares are one aspect of any analysis that you have to undertake in determining whether or not activities in a particular market warrant governmental intervention under the antitrust laws to enjoin those activities or to seek some other remedy.

Mr. SMITH. Do you have a rule or a rule of thumb that you use?

Mr. FAVRETTO. Well, under Section 7 of the Clayton Act, the antimerger statute, the Department has issued merger guidelines which are designed to give private companies and the private bar some indication of what market shares will trigger governmental interest and possible challenge to an acquisition or merger in a particular industry. That is one example.

The case law has been clear, although not precise but quite clear, about the market share that is required before monopoly power will be inferred.

In the other areas of attempt to monopolize, under Section 2 of the Sherman Act, the situation is more fluid, but there have been cases that have indicated a dangerous probability of achieving a monopoly must be present before the government may successfully challenge a particular practice as a basis of an attempt to monopolize.

In the past, I believe Congress has considered possible amendments to Section 2, to remove the requirement of demonstrating a dangerous probability of success, before a challenge can be upheld to a particular practice under Section 2 of the Sherman Act. Those proposals were not acted upon by Congress, and there are no present proposals to make those changes.

RULES OF CONDUCT FOR MERGERS

Mr. SMITH. In regard to mergers and acquisitions, wouldn't it be best to have definite rules of conduct, so that businesses know in

advance, how far they can go before at least there is a prima facie case?

It seems to me that we are making little progress in the anti-trust area. I think that is the general feeling here in Congress, that if there has been anything done in the last 25 years, it is not discernible.

The economy is in much worse shape than it has ever been since 1925 with regard to shared monopolies and oligopolies and restraints of various kinds that prohibit access by smaller companies into markets, and it just seems to me that it is time for a change.

We are not solving the problem by allocating resources to the Antitrust Division. It requires some change in the laws, don't you think?

Mr. FAVRETTO. Well, that is a complicated question, Mr. Chairman, that involves, a debate about the philosophy of competition laws and the philosophy of economic regulation, and whether or not the laws are currently adequate to address competition problems in the economy.

I personally believe they are. I am not saying that they are perfect and that they couldn't stand some fine-tuning or some modification, but I think that they have served us well, and that the problems of the economy today certainly should not be attributed to a lack of antitrust enforcement.

On the contrary, you hear currently a lot of comment in the press and in scholarly journals that there is too much antitrust enforcement, and that it inhibits the ability of American business—

Mr. SMITH. I haven't heard very much comment about that.

Mr. FAVRETTO. [continuing]. To compete effectively.

Mr. SMITH. I hear comment to the effect that there are too many regulations.

The purpose of effective antitrust enforcement is so that you can have competition instead of regulation.

Mr. FAVRETTO. I agree totally with you, on that, Mr. Chairman.

IMPORTS SERVE TO CONTROL MONOPOLIES

Mr. SMITH. It is when you don't have competition that regulation increases. For a number of years now, we have used imports as our control mechanism on these oligopolies, because if they get too far out of line, the imports will slip in under them. Now with the devaluation of the dollar, that is practically a thing of the past.

As fast as import prices go up, domestic prices go up, too, whether justified or not. It seems to me that we are making very little progress, and I don't see how allocating more or less resources to the Antitrust Division has very much to do with this entire problem.

Mr. FAVRETTO. As the Chair knows, we are not asking for more resources at this point. I think, if I could elaborate a little further on your concern about providing guidelines or providing some definiteness to businesses as to what kind of conduct they may or may not undertake or what kind of market share might trigger a problem, I think certainly you could establish market shares and say that a company shall not go beyond a certain share of the market, and that would provide definiteness.

I think overall, that would be an undesirable thing to do, because it would be inflexible. It would not accommodate the changing needs of a changing economy and changing industrial circumstances, and would inhibit flexibility, innovation and competition.

FLEXIBILITY IN ANTITRUST ENFORCEMENT

Mr. SMITH. What flexibility would it inhibit? If it's a major industry, why would you need a company that controls, say, 25 or 35 percent of the market?

Mr. FAVRETTO. I think that is a question that has to be answered in the context of any particular industry in terms of economies of scale and other efficiencies which may result from increased size and integration.

I am not saying that under all circumstances that is a good thing. I want you to be clear on that, but I am saying that it is unwise, in my view, to legislate some inflexible ceiling on growth in any particular industry, because that creates disincentives, not to innovate, not to grow, not to become efficient, and may well be counterproductive and anti-competitive.

Mr. SMITH. I take the opposite stand. If you prohibit any one company from becoming so big that others know there is no need to enter the industry, no matter how efficient that company is, then you have restricted growth in that industry, and that is what is going on now.

I have been hearing about the automobile companies being an example of "economies of scale" for years. Well, that ought to be permanently put to rest now.

We have found that the bigger the automobile companies in this country and the more they were able to share a monopoly, the less efficient they became, and so size in and of itself doesn't at all result in efficiency.

There is no economy of scale after you reach a certain size. All you do is lose the incentive to compete and replace it with the incentive to substitute advertising and other gimmicks for good management.

Mr. FAVRETTO. I am not unsympathetic to your concerns and views, Mr. Chairman. I think what I am saying is that it is a complicated question with issues involved that make it, in my view, unwise to approach with any across-the-board remedy in terms of limiting market shares or limiting growth.

POLICY ANALYSIS, LEGISLATION AND TRAINING

Mr. SMITH. If that isn't a good approach, then we should look at something else.

I notice you have a reduction in positions for policy analysis, legislation and training.

It seems that with all the people you have, you are not making any significant progress with the problem. Perhaps you should allocate more people to that function and less people to some of the functions that don't seem to produce very much.

Mr. FAVRETTO. The reduction in personnel, I don't believe, will in substance reduce the existing level of attention that is paid to those areas.

I believe our existing level of resources is already at or under the level which would be mandated by this budget, once it is approved and becomes effective, so I believe, we are at a level where our workyears will remain stable.

Mr. SMITH. I don't quite understand your answer. You show that you are going to reduce by 12 positions the resources for that program.

Mr. ROONEY. Mr. Chairman, if I may

Mr. SMITH. Yes.

Mr. ROONEY. The reduction in all of those programs within the Division, with the exception of administrative services, it is my understanding, would put the Division at a level where the authorized positions would equate with the current on-board level. These are positions that had previously been authorized but not filled.

SHARED MONOPOLY

Mr. SMITH. I see. I read newspaper accounts about your looking into the shared monopoly area.

I am sure they were over-simplified and erroneous in some instances, but what were you doing and what have you concluded with regard to the shared monopoly?

Mr. FAVRETTO. Over the last several years, Mr. Chairman, we had a rather systematic review of, I believe, somewhere in the neighborhood of 300 to 400 industries underway, to determine whether or not there was any conduct, practices or other details of those industries which warranted close investigation.

We selected these businesses based upon the amount of concentration in those industries. If the top four firms accounted for above a certain share of the industry, we took what was a screening look at that industry, to determine whether or not there were any features of that industry which warranted further investigation.

Mr. SMITH. Was it the same percent in every industry?

Mr. FAVRETTO. I believe we seized upon a 40 percent figure.

Mr. SMITH. For how many firms?

Mr. FAVRETTO. For four firms, as sort of a rule of thumb, to make a first cut at the industries we would look at. We systematically reviewed more than 50 percent of those industries, and opened some investigations, and we are still in the process of more detailed investigations and more detailed analysis in some of those matters.

After looking at the results of the screening program, we determined that the screening machinery, for want of a better word, was not a very efficient or effective way to identify candidates for further investigation, and we concluded the screening program after completing about 50 to 60 percent of those screenings. Now, the figures I am giving you are rough, but I think they are approximately correct.

We have not abandoned in any way our commitment to attempt to identify concentrated industries where practices may give rise to anticompetitive conduct which may be reachable under Section 1 of the Sherman Act.

Indirect or tacit collusion, cooperation, interdependent activity, those are all features of industries that we are still very interested in and still look at, and this area of our program is the major area in our budget breakout.

The oligopoly and monopoly area of our program has the greatest share of our resources at the present time.

CONTROL OVER SUPPLY VERSUS DISTRIBUTION MARKETS

Mr. SMITH. Did you distinguish those industries where the companies involved were able to control a certain percentage of the raw materials rather than the finished product?

Mr. FAVRETTO. We looked at all levels of the industry involved, Mr. Chairman. We looked at the distribution levels as well as the production levels, and we looked at control at various levels of these industries.

Mr. SMITH. There is a substantial difference. New competitors can't get into the market if the raw materials are controlled, however they could get in if there are plenty of raw materials.

Mr. FAVRETTO. Yes. What you are referring to is a difficulty that is created when the source of supply is restricted to a few hands.

Mr. SMITH. Yes.

Mr. FAVRETTO. Yes, Mr. Chairman, we are aware of that phenomenon, and we did look at those issues.

WEST GERMAN LIMITATION ON MARKET SHARE

Mr. SMITH. I might note that I recently found out that West Germany has a market share limitation.

They have a much smaller economy than we have, although they have a substantial economy, and they think it is working very well.

They determine in advance the percentage of the industry that any one company can have. That helps to encourage others to develop a better product knowing they will have an opportunity to have access to part of that industry. They know they won't be manipulated because they can't possibly match resources.

Mr. FAVRETTO. I am not familiar with that particular law or with the way in which it operates.

PAST ACCOMPLISHMENTS OF ANTITRUST DIVISION

Mr. SMITH. I don't want to take too much more time on this, but we have gone to the floor with this bill several times and have had money added because people are frustrated and because we are not getting enough done in the antitrust area. Usually we have said that adding money isn't going to help, but people want something done.

I think that the proudest moment that the Antitrust Division probably ever had was when they won the decree against the big four packers in 1920.

That is one of the most successful government actions that has ever occurred. As a result of that action, within 10 years, we had a very competitive industry, where it had been totally noncompetitive. However, there has been nothing done since.

As a matter of fact, the situation is getting back almost to where it was in 1920, and in one respect, worse, because now a few packers with their tie-ins have the raw materials tied up.

More than 50 percent of it is in the hands now of commercial lots that hold over 30,000 head of cattle, and so they have a lock on raw materials that they didn't have in 1920.

It seems to me that since 1920, I can't think of anything that has been done that has really had any great impact on encouraging free enterprise in this country, by limiting anticompetitive activities.

We will look at this request. You say you have all you need in terms of personnel?

Mr. FAVRETTO. We have all we need, given our reasonable prediction of what we can anticipate for the period involved. That's correct, Mr. Chairman.

At the risk of sounding too much like a preacher about the antitrust laws, I would urge the Chair to look carefully at what the Division has done and the mission we have carried out, and certainly the meat packers' decree was one of the milestones of antitrust enforcement.

I would not disagree with that. I am very proud of that fact, but it is only one aspect of our tradition, and if there is a perception that there is a need to change or modify the laws that are applicable in the competition area, that perception should not result in any diminishment of the existing resources which I believe are needed to do the current job that we are called upon to do.

RESOURCES GIVEN TO AT&T AND IBM CASES

Mr. SMITH. What percentage of resources are you using on big cases like IBM and AT&T, compared to other cases?

Mr. FAVRETTO. Those are huge manpower eaters, there is no doubt about that. I think full-time assigned personnel to AT&T, approximately 20 lawyers. Full-time assigned to IBM is approximately 13 lawyers.

Those numbers only reflect full-time assignments. From time to time, the numbers can go dramatically higher on either of those cases, depending upon cyclical needs, and we have detailed people from time to time to those cases, and I know from personal experience that on AT&T, at any one short period of time, you can get double that number on the case but this is a problem you have to deal with, and you have to understand when you undertake such a case that that is the kind of commitment you have to be prepared to make.

Mr. SMITH. Thank you, Mr. Favretto.

Mr. FAVRETTO. Thank you, Mr. Chairman.

[The following questions were submitted for the record by Chairman Smith:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

There is a proposed reduction of 42 positions in the antitrust area of which 13 happen to be in the Judgment Enforcement area. What will be the impact on your efforts to ensure that violations of antitrust laws will be prosecuted and the results will be enforced? If we don't have Judgment Enforcement, don't we lose all deterrent value?

The reduction of 13 authorized positions in the Judgment Enforcement program was based upon actual on-board personnel strength. Currently, the Antitrust Division has 12 attorneys, 5 paralegals and 5 secretaries assigned to its Judgment Enforcement Section. This is below the 25 authorized positions reflected in this request. It has been our experience that this is a sufficient number of personnel to determine whether the judgments that the Division has obtained have been obeyed.

What are the major elements of the \$2,518,000 in your request which is labeled "Uncontrollable Increases?"

Annualization of 1981 pay increases.....	\$752,000
Within-grade increases.....	274,000
Health benefits costs.....	59,000
Standard Level User Charge (SLUC).....	219,000
GSA recurring reimbursable services.....	28,000
Federal Telecommunications System (FTS).....	148,000
Travel costs - airfare increases.....	270,000
Departmental printing and reproduction costs....	30,000
General pricing level adjustment.....	738,000
Total, uncontrollable increases.....	2,518,000

What was the basis of the general pricing level adjustment?

The general pricing level adjustment is based upon an August 1980 OMB pricing guide that applies to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the government pays are established through the market system instead of by law or regulation. The factor has been applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities.

The budget request reflects an increase of \$670,000 for computer support for several antitrust case and investigations. What were the obligations in FY 1980 for computer support, and what are the estimated obligations for computer support for FY 1981?

The Antitrust Division obligated approximately \$7 million for ADP related support in FY 1980 and expects to spend approximately the same amount in FY 1981.

Why isn't that level sufficient to fund this activity in FY 1982?

With the loss of 42 positions in FY 1982, the Antitrust Division will rely increasingly on computer support to perform functions previously provided by attorneys and support personnel. In addition, sufficient funds are not included in the \$7 million

to provide adequate trial management support, statistical analysis support or for the use of computerized evidence.

What would these funds buy?

a. \$340,000 — trial management

We have considerable funds available for trial preparation, but no funds for trial management. Antitrust cases often involve substantial lead time between an investigation and the commencement of trial. For example, the Paper Merger case was filed in August 1978, computer support for the case began in May 1979, and the case is expected to be tried in September 1981. We have just recently begun to design exhibit tracking and other trial management ADP tools for that case and will provide such support for a total of ten cases in FY 1982.

b. \$200,000 — statistical analysis

Statistical support was provided to five cases in FY 1980. It is anticipated that this support will increase to 12 cases in FY 1981 and current projections indicate statistical support will be required for at least 28 cases in FY 1982, an increase of 16 cases.

c. \$130,000 — computerized evidence

Business use of computers is increasing, and our discovery requests are including definitions of "documents" which call for computer readable media. The cost of "copying" these documents, translating them into a form which can be understood by our attorneys and economists, and providing our staff with appropriate ADP tools for summarizing the information or reorganizing it to suit the needs of the government, ranges from \$2,000 to \$15,000 for a given "system" or data base. Using a mean cost estimate of \$6,500, the requested funding will permit discovery of approximately 20 such data bases in FY 1982. This request is justified not only because of the technology but because of increased attorney awareness of the value of this form of evidence.

What cases would these items support?

Since we do not know in advance which specific violations will occur, which will be reported to us, how the evidence will develop if we investigate, or how the defendant will respond if we bring suit, we cannot anticipate the specific cases these funds will support in FY 1982.

Although the budget request for the Antitrust Division proposes a reduction of 42 positions from the level authorized for FY 1981, the request is one of the few in the Justice Department that was not changed by the new Administration. Can you tell us why?

The Antitrust Division's budget request was not reduced by the new Administration in the anticipation that the Division would assume some of the workload of the FTC's Bureau of Competition.

How many positions and dollars were reserved for the workload of the FTC's Bureau of Competition, which was to be assumed by the Antitrust Division in the original budget proposal?

Since it was not clear what activities would be assumed by the Antitrust Division, no specific positions or dollars were reserved for the workload of the FTC's Bureau of Competition.

The Attorney General indicated in his statement yesterday that he will propose the merger of the appropriation for the Antitrust Division with the appropriation for "Salaries and expenses, general legal activities". What is to be gained by such a merger? What controls would exist to ensure that the Antitrust Division's resources are not diverted to the other legal divisions?

Merging the Antitrust Division's appropriation with the GLA appropriation will enable Department of Justice officials, within reprogramming constraints as established by the Congress, to shift resources between the Antitrust Division to other litigating divisions. If the mix of resources in the headquarters legal divisions required adjustment, the Department and the Congress would then be spared the long process of seeking certain supplementals and deferrals and both would benefit from the shorter reprogramming process.

WEDNESDAY, MARCH 25, 1981.

UNITED STATES ATTORNEYS AND MARSHALS

WITNESSES

WILLIAM P. TYSON, ACTING DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS

LAURENCE S. McWHORTER, ACTING DEPUTY DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS

FRANCIS MALLGRAVE, ASSISTANT DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS

EDWARD A. MOYER, FINANCIAL MANAGER EXECUTIVE OFFICE FOR U.S. ATTORNEYS

WILLIAM E. HALL, DIRECTOR, U.S. MARSHALS SERVICE

LLOYD A. BASTIAN, ASSISTANT DIRECTOR FOR PLANNING, BUDGET AND ADMINISTRATION

HOWARD SAFIR, ASSISTANT DIRECTOR FOR OPERATIONS

RICHARD L. LEVINE, DIRECTOR AND COUNSEL, EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. SMITH. The next appropriation we will consider is for Salaries and expenses for the U.S. Attorneys and Marshals.

The request is for \$291,206,000. This is a decrease of \$8,905,000 from the base amount. We will insert the original justification materials as well as the amended materials at this point in the record.

[The justifications follow:]

Department of Justice
Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Estimates for Fiscal Year 1982
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Legal Activities
U.S. Attorneys and Marshals
Summary Statement
Fiscal Year 1982

For the U.S. Attorneys and Marshals appropriation, a total of \$307,116,000, 6,793 permanent positions, and 6,756 work-years is requested. This request represents an increase of \$18,650,000 and decreases of eight positions and 62 work-years over the 1981 anticipated appropriation.

There are three distinct primary missions within the U.S. Attorneys and Marshals appropriation. First, the U.S. Attorney is the chief law enforcement representative of the Attorney General in each judicial district, where he is responsible for the prosecution of criminal offenses against the United States, the representation of the Federal Government in almost all civil actions, suits or proceedings in which the United States is concerned, and the initiation of proceedings for the collection of fines and penalties and forfeitures owed to the United States. Second, for Bankruptcy Matters, the U.S. Trustee is responsible for administering bankruptcy cases in 18 judicial districts through 10 regional offices. Fiscal Year 1982 will be the third year of a five-year pilot program begun in FY 1980 to separate all case administration functions from Bankruptcy Court judges, leaving them responsible only for judicial determination without any bias which might otherwise exist. Finally, for the U.S. Marshals Service (USMS), the U.S. Marshal in each judicial district is responsible for supporting the federal litigative process by providing protection for key government witnesses, service of process, execution of arrest warrants for violation of federal law, custody and transportation of unsentenced prisoners, and providing for the personal security of judges, magistrates and other judicial personnel. The USMS assists in maintaining order and protecting federal property and federal buildings during civil disorders and demonstrations. Also, the contracting with local detention facilities for the housing of federal prisoners and the administration of the contracts is a responsibility of the USMS.

The U.S. Attorneys and Marshals appropriation contains three budget activities, which incorporate 17 programs. The U.S. Attorneys budget activity has six programs: Federal Appellate Activity, Criminal Litigation, Civil Litigation, Litigation Support Activity, Executive Direction and Administrative Services. The Bankruptcy Matters budget activity has two programs: Administration of Cases and Executive Direction. The third budget activity, U.S. Marshals, has nine programs: Witness Security, Execution of Process and Court Orders, Security Support, Financial Support Services, U.S. Marshals Training, Handling of Federal Prisoners, Supervision of Unserved Prisoners, Executive Direction and Administrative Services. The major initiatives and resource requests for the three activities and programs are summarized below.

Legislation will be proposed to establish an autonomous judicial system in the government of the District of Columbia (D.C.) by granting D.C. government full authority over the prosecution of violations of local laws and the sheriff functions now performed by the U.S. Attorney's Office and the USMS.

U.S. Attorneys

This activity is responsible for the prosecution of criminal offenses against the United States and the representation of the government in all civil actions in which the United States is concerned. Resources are requested in the following programs:

The Federal Appellate Activity program is responsible for protecting the interests of the United States by seeking appellate court rulings which will facilitate the continued operation of government programs immediately, or potentially, affected by appellate court decisions. No increases are requested for this program in 1982.

The Criminal Litigation program is responsible for reviewing all allegations of federal criminal law violations and to prosecute all offenses which merit federal prosecution. No increases are requested for this program in 1982.

The Civil Litigation program responds to all suits brought against the United States and conducts litigation against private parties to recover monetary losses suffered by the government. A program increase will provide resources to upgrade the efforts of the U.S. Attorneys to collect debts referred to them by federal executive agencies.

The Litigation Support Activity program provides the training relevant to the duties of all federal legal personnel. No increases are requested for this program in 1982.

The Executive Direction program provides executive policy guidance to effectively manage and coordinate the operations of the 95 district offices. No increases are requested for this program in 1982.

The Administrative Services program provides specialized management support for administrative matters to ensure consistency in the application of Departmental and U.S. Attorney policies and procedures. A program increase will provide resources principally for systems managers, equipment, and contractual services to sustain progress in the modernization of the U.S. Attorneys' case management information system.

Bankruptcy Matters

The U.S. Trustees are responsible for administering bankruptcy cases in 18 judicial districts through 10 regional offices. Resources in this budget activity are requested in the following programs:

The Administration of Cases program is responsible for effective administration of bankruptcy cases with the maximum confidence of creditors, debtors and the courts in the pilot districts. A program decrease is requested for 1982 as a result of the Administration's decision to limit employment in 1982 to approximately the current on-board level.

The Executive Direction program is responsible for providing a variety of services which support field personnel in carrying out their duties and responsibilities. No program increase is requested for 1982.

U.S. Marshals

This activity is responsible for the support of the federal judiciary and law enforcement activities. To carry out its mission, the U.S. Marshals Service operates the following programs:

The Witness Security program is responsible for the protection of federal witnesses and their families whose lives are in danger as a result of agreeing to provide testimony against individuals being tried for organized criminal activities. A small increase for ADP enhancements is requested to expand the capability of the existing mini-computer system to maintain protected witness confidential records.

The Execution of Process and Court Orders program is responsible for the timely service of process, the execution of warrants and provide, on a timely basis, the enforcement of major injunctions as ordered by the Attorney General. An increase is requested to replace aging radio equipment and to establish an informant fund. Also, as a result of Presidential/Congressional actions during 1981 to reduce the USMS activities in the service of private process, additional funds has been removed from this program.

The Security Support program concentrates its efforts on establishing and maintaining secure facilities at all places where federal judicial business is conducted, and to eliminate fear of retribution or bodily harm to federal officers, employees and judicial participants. No increases are requested for this program in 1982.

The Financial Support Services program is responsible for: the disbursement of funds in payment of fact witnesses, protected witnesses, local jail administrators for housing USMS prisoners, court reporters, and various expenses incurred by the USMS and U.S. Attorneys in conducting official business; the collection of funds for services rendered by the USMS and the sale of seized property; and the recording and reporting of these transactions to the Departments of Justice and Treasury. No increased resources are requested in 1982.

The U.S. Marshals Training program establishes and continues to up-date initial, refresher and specialized courses of instruction for the major occupational series in the USMS. The instructions are comprehensive and focus on those job knowledge and skills that are unique to the Service. The program increases for 1982 will provide funds to reimburse the Federal Law Enforcement Training Center (FLETC) for the costs incurred in training U.S. Marshals Service personnel which were previously funded by FLETC.

The Handling of Federal Prisoners program is to ensure expeditious, economical and secure methods for the custody, receipt, processing and transportation of federal prisoners. Increased funding in 1982 would enable the USMS to acquire and operate surplus government aircraft and expand the National Prisoner Transportation System thereby increasing the number of prisoners that could be handled and moved.

The Supervision of Unsensitized Prisoners program is to acquire and maintain sufficient and acceptable detention space for federal prisoners in non-federal facilities at the most favorable cost to the government. A decrease in unfilled and unfunded positions is requested.

The Executive Direction and Control program provides executive level policy guidance to effectively manage and coordinate the operations of the 95 district offices in the areas of witness security, execution of process and court orders, handling of federal prisoners, security support and supervision of unsentenced prisoners. No additional funding is requested.

The Administrative Services program provides specialized management support functions that are organized to minimize the time spent by managers on administrative matters, to ensure consistency in the application of departmental and USMS policies and procedures and to provide stringent control for those management activities contained within these programs. Additional resources for 1982 are requested for implementation and support of internal AOP projects underway in the USMS, improve the merit promotion system, expand the affirmative action program and enhance the network communications system throughout the USMS.

U.S. Attorneys, Marshals, and Trustees
Proposed Authorization Language

The United States Attorneys, Marshals, and Trustees are requesting the following authorization language:

For the United States Attorneys, Marshals, and Trustees, including--

- (A) purchase of firearms and ammunition;
- (B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;
- (C) supervision of United States prisoners in non-Federal institutions;
- (D) bringing to the United States from foreign countries persons charged with crime; and
- (E) acquisition, lease, maintenance, and operation of aircraft:

\$307,116,000

Legal ActivitiesSalaries and Expenses, U.S. Attorneys and MarshalsJustification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, U.S. Attorneys and Marshals

For necessary expenses of the offices of the United States attorneys, marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft. [\$268,537,000].

\$307,116,000

No substantive changes proposed.

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity	1981 President's Budget Request		Congressional Appropriation Actions on 1981 Request		1981 Supplemental Requested Program		1981 Appropriation Anticipated						
	Pos.	WY Amount	Pos.	WY Amount	WY Amount	WY Amount	Pos.	WY Amount					
U.S. attorneys.....	4,427	4,354	\$173,498	-10	-7	-\$2,804	...	...	-160	\$6,377	4,417	4,187	\$177,071
Bankruptcy matters..	167	174	6,658	40	40	1,250	...	...	-40	-527	207	174	7,381
U.S. marshals.....	2,434	2,483	94,167	-257	-134	-4,232	108	\$8,868	...	5,211	2,177	2,457	104,014
Total.....	7,028	7,011	274,323	-227	-101	-5,786	108	8,868	-200	11,061	6,801	6,818	288,466

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Requirements
(Dollars in thousands)

	Perm Pos.	Work- Years	Amount
Adjustments to base and built-in changes:			
1981 as enacted.....	6,801	6,910	\$268,537
Supplementals requested:			
1981 Pay supplemental.....	...	-200	11,061
1981 program supplemental derived by transfer of unobligated balances from Federal Prison System, "Buildings and facilities".....	...	108	8,868
1981 appropriation anticipated.....	6,801	6,818	288,466
Uncontrollable increases.....	...	160	16,434
Decreases.....	...	-108	-4,789
1982 base.....	6,801	6,870	300,111
1981 Appropriation			
Anticipated	Perm.	1982 Estimate	1982 Estimate
	Pos.	Pos.	Pos.
	Amount	Amount	Amount
Estimates by budget activity			
1. U.S. attorneys.....	4,394	4,327	\$155,175
	4,394	4,061	\$154,721
	4,417	4,187	\$177,071
	4,417	4,318	\$186,317
	4,500	4,380	\$194,884
2. Bankruptcy matters.....	167	167	4,129
	167	167	88
	207	174	7,381
	207	194	7,972
	167	184	7,584
3. U.S. marshals.....	2,172	2,422	99,464
	2,172	2,505	97,429
	2,172	2,452	104,014
	2,172	2,358	103,822
	2,172	2,192	104,648
Total.....	7,333	6,916	258,768
	7,333	6,654	255,737
	6,801	6,818	288,466
	6,801	6,870	300,111
	6,793	6,756	307,116
	-8	-114	7,005

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals

Status of Congressional Requested
Studies, Reports, and Evaluations

Bankruptcy Matters

1. Section 408(a) of the Bankruptcy Reform Act of 1978, Public Law 95-598, requires the Attorney General to report annually on the status of the U.S. Trustee pilot program. The most recent annual report, covering the 1980 year, has been drafted by the Executive Office for U.S. Trustees; the report should be transmitted to the Congress, the President and the Judicial Conference of the United States during January 1981.
2. Section 408(b) of the Act requires the Attorney General to report to the Congress, the President and the Judicial Conference of the United States " . . . as to the feasibility, projected annual cost and effectiveness of the United States trustees system, . . . together with recommendations as to the desirability and method of proceeding with implementation of the United States trustees system in all judicial districts of the United States." The report, due January 3, 1984, is in the data collection phase. Professional staff in the Executive Office for U.S. Trustees are coordinating the evaluation with field office staff.

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Perm. Pos.	Workyears	Amount
1981 as enacted.....	6,801	6,910	\$268,537
Supplemental requested:			
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$16,602
Savings resulting from employment reductions.....			-5,014
Deferral of programs to meet increased pay costs.....			-527
Net pay supplemental.....	...	-200	11,061
Program supplemental derived by transfer from the Federal Prison System, "Buildings and facilities".....	...	108	8,868
	6,801	6,818	288,466
1981 appropriation anticipated.....			
Adjustments to base and built-in changes:			
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	147	5,336
Annualization of 44 additional positions approved in 1981.....	...	13	3,206
Administrative salary increases.....	...	...	3,053
Within-grade increases.....	...	...	1,358
Retirement contributions--Social Security (FICA).....	...	...	69
Health benefits costs.....	...	...	440
Federal Employees Compensation (FECA).....	...	...	84
Standard Level User Charges.....	...	...	2,192
GSA recurring reimbursable services.....	...	...	356
Travel costs--airfare increases.....	...	...	1,566
GPO printing costs.....	...	...	76
Departmental printing.....	...	...	40
General pricing level adjustment.....	...	...	1,618
Fair Labor Standards Act (FLSA).....	...	...	40
Total, uncontrollable increases.....	...	160	16,434
Decreases:			
Federal Telecommunications System (FIS).....	...	...	-234
Non-recurring equipment costs for additional positions approved in 1981--U.S. Attorneys.....	...	...	-27
Non-recurring supplemental--U.S. Marshals.....	...	-108	-4,528
Total, decreases.....	...	-108	-4,789
1982 Base.....	6,801	6,870	300,111

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Adjustments to Base and Built-In Changes
(Dollars in thousands)

Perma-
Work-
Years Amount

Uncontrollable Increases:

1. Annualization of 1981 pay increase.....

This provides for annualization of the October 5, 1980, pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 and three days (October 1-3, 1980) were not included in the pay raise. Of the pay raise amount of \$16,602,000, \$5,541,000 was absorbed. The calculation of the amount required for annualization is:

3/261 x Amount of Pay Raise..... \$205,000
1981 Absorption of Pay..... 5,541,000
Deferral of programs to meet increased pay costs.... -410,000
Total annualization..... 5,336,000

2. Annualization of additional positions approved in 1981.....

	<u>Approved</u> <u>1981</u>	<u>Annualization</u> <u>Required</u>
Annual salary rate of 44 approved positions.	\$886,000	
Less lapse (21%).....	-183,000	\$183,000
Net compensation.....	703,000	
Associated employee benefits.....	80,000	23,000
Total costs subject to annualization.....	783,000	206,000

570

Adjustments to Base and Built-In Changes
(Dollars in thousands)

Perm. Short-Term Years	Amount
...	\$3,053
...	1,358

3. Administrative salary increases.....

Assistant United States Attorneys and United States Trustees occupying ungraded permanent positions are, under certain circumstances, granted successive annual pay increases at varying rates until a maximum salary level is reached.

4. Within-grade increases.....

The request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$1,258,000 and \$100,000 benefits).

	No. of GS Pos.	Annual Pay at		Cost of Within Scale Ad-		Annual Cost	Change from PY
		Rate	Grade	Grades	justment			Grades
FY 1982	4,709	\$95,687	\$83,009	\$12,678	...	\$12,678	\$1,258
FY 1981	4,717	92,790	81,370	11,420	...	11,420	2,568
FY 1980	5,242	87,799	79,685	8,114	109.1	8,852	1,664
FY 1979	4,292	70,222	64,031	6,191	116.1	7,188	714
FY 1978	4,140	61,507	56,187	5,320	121.7	6,474	...

5. Retirement contributions--Social Security (FICA).....

Beginning January 1, 1982, the base on which earnings for Social Security computations are calculated will increase from \$29,700 to \$31,000. The rate will increase from 6.65 percent to 6.70 percent. This increase is computed for 866 eligible employees.

Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Work- Years	Amount
6. Health benefits costs.....	...	\$440
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 80 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on Government costs. The requested increase of \$440,000 provides for payment of the average rate percent over the \$3,549,000 now available.</p>		
7. Federal Employees' Compensation Act (FECA).....	...	84
<p>The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 bill for the U.S. Marshals will be \$893,000 or \$84,000 over the 1981 estimate of \$809,000.</p>		
8. Standard Level User Charges (SLUC).....	...	2,192
<p>P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$2,192,000 provides for the same quality and quantity of space in 1982 as in 1981.</p>		
9. GSA Recurring Reimbursable Services.....	...	356
<p>The General Services Administration provides additional heating, ventilation, air conditioning and guard service above normal requirements on a reimbursable basis. The requested increase of \$356,000 will provide the same level of services in 1982 as in 1981.</p>		
10. Travel cost--airfare increase.....	...	1,566
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in airfares results in an increase of \$1,566,000 over the base of \$4,475,000.</p>		

Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Perm. Work- Years	Amount
11. GPO Printing Costs.....	...	\$76
The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$76,000 over the base of \$845,000.		
12. Departmental Printing and Reproduction Costs.....	...	40
Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$40,000 over the base of \$445,000.		
13. General Pricing Level Adjustment.....	...	1,618
This request applies the OMB pricing guidance of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.		
14. Fair Labor Standards Act (FLSA).....	...	40
As a result of a study completed in late December 1979, it was determined that law enforcement officers are entitled to FLSA coverage after reaching 46.5 hours of work per week versus 50 hours per week used prior to the Department of Labor study. The Department of Justice payroll system was altered to trigger such coverage in January 1980, however, the 1981 budget does not include funding for this increase. To compensate for the 1982 difference, an increase of \$40,000 is requested for 1,414 eligible employees.		
Total uncontrollable increases.....	160	16,434

Adjustments to Base and Built-in Changes
(Dollars in thousands)

Decreases (Automatic non-policy):

1. Federal Telecommunications System (FTS).....

The FTS decrease reflects the advance billing provided to the Department of Justice by the General Services Administration. In FY 1982, GSA has established a new billing system which is based on the duration as well as the number of calls. The computation results in a net decrease of \$234,000 over the base of \$3,036,000.

... -234

2. Non-recurring costs for equipment of new positions authorized in 1981.....

... -27

3. Non-recurring supplemental for Marshals Service.....

-108 -4,528

During FY 1981, supplemental resources provided for extraordinary courtroom security for the Judiciary (Security Support -\$1,942,000), for extraordinary protection of government witnesses (Witness Security -\$1,166,000) and for the Service of Private Process (-\$1,420,000).

Total decreases.....

-108 -4,789

Total, adjustments to base and built-in changes.....

52 11,645

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Financial Analysis--Program Changes
(Dollars in thousands)

Item	U.S. Attorneys		Bankruptcy Matters		U.S. Marshals		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>								
GS/GM-13.....	20	\$653	-2	-\$64	...	...	18	\$589
GS-12.....	8	216	-12	-323	2	\$54	-2	-53
GS-11.....	12	270	-4	-90	...	...	8	180
GS-9.....	11	204	-2	-37	2	37	11	204
GS-8.....	...	...	-3	-50	...	...	-3	-50
GS-7.....	...	...	-12	-182	...	...	-12	-182
GS-6.....	16	219	-5	-68	...	...	11	151
GS-5.....	16	196	...	...	-55	-344	-39	-148
Total positions and annual rates.....	83	1,758	-40	-814	-51	-253	-8	691
Lease (-).....	-21	-439	30	600	-178	-939	-109	-778
Other than full-time positions.....	...	...	...	...	3	30	3	30
Other personnel compensation.....	...	...	...	...	...	-15	...	-15
Total workyears and personnel compensation	62	1,319	-10	-214	-166	-1,177	-114	-72
Personnel benefits.....	...	119	...	-62	...	-156	...	-99
Travel and transportation of persons.....	...	279	...	...	...	80	...	359
Transportation of things.....	...	7	...	...	...	2	...	9
Standard level user charges.....	...	253	...	...	...	7	...	260
Communications, utilities and other rent.....	...	2,514	...	-4	...	225	...	2,735
Printing and reproduction.....	...	63	...	...	...	...	...	63
Other services.....	...	1,587	...	-42	...	771	...	2,316
Supplies and materials.....	...	57	...	-16	...	376	...	417
Equipment.....	...	369	...	-50	...	698	...	1,017
Total workyears and obligations, 1982...	62	6,567	-10	-388	-166	826	-114	7,005

Legal Activities

Salaries and Expenses, U.S. Attorneys and Marshals

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions Workyears	Amount	Positions Workyears	Amount	Positions Workyears	Amount
Executive Level IV \$52,750.....	4		4		...	
ES-01 \$50,112.....	1		1		...	
ES-02 \$50,112.....	1		1		...	
ES-04 \$50,112.....	5		5		...	
ES-05 \$50,112.....	2		2		...	
GS/GM-15 \$44,547-\$50,112.....	25		25		...	
GS/GM-14 \$37,871-\$48,229.....	98		98		...	
GS/GM-13 \$32,048-\$41,600.....	126		144		18	
GS-12 \$26,951-\$35,033.....	197		195		-2	
GS-11 \$22,486-\$29,236.....	432		440		8	
GS-10 \$20,467-\$26,605.....	16		16		...	
GS-9 \$18,585-\$24,165.....	1,160		1,171		11	
GS-8 \$16,826-\$21,875.....	172		175		3	
GS-7 \$15,193-\$19,747.....	467		455		-12	
GS-6 \$13,672-\$17,776.....	965		976		11	
GS-5 \$12,266-\$15,747.....	656		617		-39	
GS-4 \$10,963-\$14,248.....	330		330		...	
GS-3 \$9,166-\$12,700.....	61		61		...	
GS-2 \$8,951-\$11,265.....	6		6		...	
Ungraded positions.....	2,071		2,071		...	
Total, appropriated positions.....	6,801	\$178,059	6,793	\$184,282	-8	\$6,223
Pay above stated annual rates.....	...	685	...	709	...	24
Lapses.....	-430	-11,899	-391	-10,915	39	984
Savings due to lower pay scales for part of year.....	...	-194	...	...	...	194
Net Permanent.....	6,371	166,651	6,402	174,076	31	7,425

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate Workyears Amount	1982 Estimate Workyears Amount	Increase/Decrease Workyears Amount
11.1 Permanent positions.....	6,371	\$166,651	6,402 \$174,076
11.3 Positions other than permanent:			31 \$7,452
Part-time permanent.....	15	295	14 288
Temporary employment.....	148	2,114	152 2,207
Other part-time and intermittent employment.....	284	3,182	188 2,438
11.5 Other personnel compensation:			-96 -744
Overtime.....	409	12,383	321 9,653
Other compensation.....	5	154	5 154
11.8 Special personal services payments.....	...	113	...
Total, workyears and personnel compensation...	7,232	184,892	7,082 188,929
12 Personnel benefits.....			-150 4,037
21 Travel and transportation of persons.....	17,977	19,137	1,160
22 Transportation of things.....	17,187	17,491	304
23.1 Standard level user charges.....	647	645	-2
23.2 Communications, utilities, and other rent.....	22,055	24,507	2,452
24 Printing and reproduction.....	13,076	16,110	3,034
25 Other services.....	2,025	2,199	174
26 Supplies and materials.....	26,243	29,124	2,881
31 Equipment.....	1,991	2,485	494
42 Insurance claims and indemnities.....	5,660	6,472	812
	27	17	-10
Total, obligations.....	291,780	307,116	15,336
Unobligated balance, start-of-year.....	-3,314	...	...
Unobligated balance, end-of-year.....	...	...	...
Total requirements.....	288,466	...	...
Relation of obligations to outlays:			
Obligations incurred, net.....	291,780	307,116	15,336
Obligated balance, start-of-year.....	24,884	34,005	9,121
Obligated balance, end-of-year.....	-34,005	-41,922	-7,917
Outlays.....	282,659	299,199	16,540

ALABAMA
Northern District: Birmingham
Middle District: Montgomery
Southern District: Mobile

ALASKA: Anchorage

ALABAMA: Phenix

ARIZONA
Northern District: Phoenix
Southern District: Tucson

CALIFORNIA
Northern District: San Francisco
Central District: Sacramento
Southern District: Los Angeles
Southern District: San Diego

CANAL ZONE: Balboa

CONNECTICUT: New Haven

DELAWARE: Wilmington

DISTRICT OF COLUMBIA: Washington, D.C.

FLORIDA
Northern District: Panama City
Middle District: Jacksonville
Southern District: Miami

GEORGIA
Northern District: Atlanta
Middle District: Savannah
Southern District: Augusta

HAWAII: Honolulu

IDAHO: Boise

ILLINOIS
Northern District: Chicago
Central District: Springfield
Southern District: East St. Louis

INDIANA
Northern District: Fort Wayne
Central District: Indianapolis

IOWA
Northern District: Iowa City
Southern District: Des Moines

KANSAS: Topeka

KENTUCKY: Louisville

LOUISIANA
Northern District: New Orleans
Middle District: Baton Rouge
Southern District: Shreveport

MAINE: Portland

MASSACHUSETTS: Boston

MICHIGAN
Northern District: Detroit
Southern District: Grand Rapids

MINNESOTA: Minneapolis

MISSISSIPPI
Northern District: Jackson
Southern District: Natchez

MISSOURI
Northern District: St. Louis
Southern District: Kansas City

MONTANA: Billings

NEBRASKA: Omaha

NEVADA: Las Vegas

NEW HAMPSHIRE: Concord

NEW JERSEY: Newark

NEW MEXICO: Albuquerque

NEW YORK
Northern District: Syracuse
Southern District: Brooklyn
Southern District: Buffalo
Southern District: New York

NORTH CAROLINA
Northern District: Raleigh
Middle District: Durham
Southern District: Charlotte

NORTH DAKOTA: Fargo

OHIO
Northern District: Cleveland
Middle District: Cincinnati
Southern District: Columbus

OKLAHOMA
Northern District: Tulsa
Southern District: Oklahoma City

OREGON: Portland

PENNSYLVANIA
Northern District: Philadelphia
Middle District: Harrisburg
Southern District: Pittsburgh

PUERTO RICO: San Juan

RHODE ISLAND: Providence

SOUTH CAROLINA: Columbia

SOUTH DAKOTA: Sioux Falls

TENNESSEE
Northern District: Knoxville
Middle District: Nashville
Southern District: Memphis

TEXAS
Northern District: Ft. Worth
Southern District: Houston
Central District: Dallas
Western District: San Antonio

UTAH: Salt Lake City

VERMONT: Burlington

VIRGINIA
Northern District: Alexandria
Southern District: Norfolk

WASHINGTON
Northern District: Seattle
Southern District: Tacoma

WEST VIRGINIA
Northern District: Charleston
Southern District: Charleston

WISCONSIN
Northern District: Milwaukee
Southern District: Madison

WYOMING: Cheyenne

United States Attorneys

Crosswalk of 1981 Changes
(Dollars in thousands)

Program	1981 President's Budget Request		Congressional Actions on 1981 Request		Reprogrammings		Pay Supplemental Requested		1981 Appropriation Anticipated	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Federal Appellate Activity....	340	335 \$12,640	...	...	-181	13 \$1,161	...	-12 \$510	353	335 \$16,130
Criminal Litigation.....	2,451	2,414 94,373	...	...	-1,213	16 15 1,429	...	-91 3,561	2,467	2,336 98,150
Civil Litigation.....	1,544	1,519 57,667	...	...	-646	-35 -32 -3,187	...	-56 2,180	1,509	1,431 55,994
Litigation Support Activity...	26	25 2,095	-1	-1	-52	...	...	...	36	25 2,252
Executive Direction.....	33	30 1,336	-7	-5	-328	2 2 71	...	...	42	28 1,121
Administrative Services.....	33	31 5,407	-2	-1	-384	4 3 353	...	-1 48	35	32 5,424
Total.....	4,427	4,354 173,498	-10	-7	-2,804*	...	...	-160 6,377	4,417	4,187 177,071

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogramming

The reprogramming of resources among the litigation programs, Federal Appellate Activity, Criminal Litigation and Civil Litigation, resulted from information collected in a survey of U.S. Attorneys. The allocation of resources to these program categories occurs in each district separately and is, for the most part, driven by the exigencies of the caseload in each locality. The reprogramming indicated above for the litigation programs represents the aggregate effect of the realignment of resources which has been reported by the U.S. Attorneys in the 95 respective judicial districts. In addition, six positions have been shifted from Civil Litigation in order to provide two positions in Executive Direction for the processing of Freedom of Information/Privacy Act inquiries and four positions in Administrative Services for an affirmative action unit. The funding added to Litigation Support Activity has been necessitated by increases in travel expenses, and some additional funding has been added to Administrative Services in order to sustain the orderly development of a new caseload management information system. The funding adjustments to other programs correspond to spending patterns experienced in 1980.

*In its action on the U.S. Attorneys' 1981 request, the Congress did not specify the program categories to which the reduction of ten positions and \$2,804,000 was to be applied. The application of this reduction has been administratively determined.

United States Attorneys
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Requirements
(Dollars in thousands)

Adjustments to base and built-in changes

	Perm. Pos.	Work- years	Amount
1981 as enacted.....	4,417	4,347	\$170,694
1981 Pay supplemental requested.....	---	-160	6,377
1981 Appropriation Anticipated.....	4,417	4,187	177,071
Uncontrollable increases.....	---	131	11,389
Decreases.....	---	---	-143
1982 Base.....	4,417	4,318	189,317

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	1980 Enacted	1980 Actual	1981 Appropriation Anticipated	1982 Base	1982 Estimate	Increase/Decrease
Estimates by	Perm.	Perm.	Perm.	Perm.	Perm.	Perm.
Budget activity	Pos.	Pos.	Pos.	Pos.	Pos.	Pos.
	Amount	Amount	Amount	Amount	Amount	Amount
United States						
Attorneys.....	4,394 4,327 \$155,175	4,394 4,061 \$154,721	4,417 4,187 \$177,071	4,417 4,318 \$188,317	4,500 4,380 \$194,884	83 62 \$6,567

United States Attorneys
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1981 as enacted.....	4,417	4,347	\$170,694
Pay increase supplemental requested:			
Increased pay costs.....			Amount
Savings resulting from employment reductions			\$10,271
Net pay supplemental.....			-3,894
1981 appropriation anticipated.....	...	-160	-6,377
Adjustments to base and built-in changes:	4,417	4,187	177,071
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	127	4,279
Amalgamation of 12 additional positions approved in 1981.....	...	4	80
Administrative Salary Increases.....	...	...	2,991
Within-grade increases.....	...	...	708
Retirement contribution - Social Security (FICA).....	...	...	61
Health benefit costs.....	...	...	275
Standard Level User Charges (SLUC).....	...	...	1,414
GSA recurring reimbursable Services.....	...	...	174
Travel costs - airfare increases.....	...	...	330
GPO printing costs.....	...	...	54
Departmental printing and reproduction costs.....	...	...	32
General pricing level adjustment.....	...	...	91
Total, uncontrollable increases.....	...	131	11,389
Decreases:			
Federal Employees Compensation Act (FECA).....	...	...	-11
Federal Telecommunications System (FTS).....	...	...	-105
Non recurring equipment costs for additional positions approved in 1981..	-27
Total, decreases.....	-143
1982 Base.....	4,417	4,318	188,317

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United States Attorneys

Summary of Resources by Program
(Dollars in thousands)

<u>Estimates by Program</u>	<u>1980 as Enacted</u>			<u>1980 Actual</u>			<u>1981 Appropriation</u>			<u>1982 Base</u>			<u>1982 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>
Federal Appellate Activity...	340	334	\$12,147	353	327	\$12,178	353	335	\$14,130	353	345	\$15,059	353	345	\$15,059	...	...	...
Criminal Litigation.....	2,451	2,413	86,904	2,467	2,279	85,616	2,467	2,338	98,150	2,467	2,410	104,606	2,467	2,410	104,606	...	...	...
Civil Litigation.....	1,544	1,520	51,638	1,509	1,394	52,059	1,509	1,431	55,994	1,509	1,476	59,677	1,572	1,523	61,658	63	47	\$1,981
Litigation Support Activity...	11	11	1,137	11	12	1,516	25	24	2,252	25	25	2,308	25	25	2,308	...	...	...
Executive Direction and Control	26	26	1,099	27	21	959	28	27	1,121	28	28	1,173	28	28	1,173	...	...	...
Administrative Services.....	22	23	2,250	27	28	2,393	35	37	5,424	35	34	5,494	55	49	10,080	20	15	4,586
Total.....	4,394	4,327	155,175	4,394	4,061	154,721	4,417	4,187	177,071	4,417	4,318	186,317	4,500	4,380	194,884	83	62	6,567
Other Workyears																		
Holiday.....	1			2			1			1			1			...		...
Overtime.....	16			39			16			16			16			...		...
Total compensable workyears.....	4,344			4,102			4,204			4,342			4,404			62		62

United States Attorneys
Justification of Program and Performance
Activity Resource Summary

Activity: United States Attorneys	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Federal Appellate Activity.....	353	335 \$14,130	353	345 \$15,059	353	345 \$15,059	...	...
Criminal Litigation.....	2,467	2,338 98,150	2,467	2,410 104,606	2,467	2,410 104,606	...	...
Civil Litigation.....	1,509	1,431 55,994	1,509	1,476 59,677	1,572	1,523 61,658	63	47 \$1,981
Litigation Support Activity.....	25	24 2,252	25	25 2,308	25	25 2,308	...	...
Executive Direction and Control...	28	27 1,121	28	28 1,173	28	28 1,173	...	...
Administrative Services.....	35	32 5,424	35	34 5,494	55	49 10,080	20	15 4,586
Total.....	4,417	4,187 177,071	4,500	4,318 188,317	4,500	4,380 194,884	83	62 6,567

This budget activity includes resources for the conduct of litigation on behalf of the United States in each of the 95 judicial districts established by the Congress. The U.S. Attorney for each judicial district is responsible for the prosecution of all offenses against the U.S. criminal code, for the representation of the federal government in all civil actions, suits and proceedings in which it is concerned, and for the collection of fines, penalties, forfeitures and other debts owed to the U.S. government.

Activity: United States Attorneys	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Federal Appellate Activity.....	353	335 \$14,130	353	345 \$15,059	353	345 \$15,059	...	...

Long-Range Goal: To protect fully the interests of the United States by seeking appellate court rulings which will facilitate the continued operation of all government programs immediately or potentially affected by appellate court decisions.

Major Objectives:

To articulate completely and forcefully the position of the government on issues under consideration by courts of appeals.

To maintain appropriate coordination with legal divisions on the conduct of appellate litigation.

To comply fully with the Federal Rules of Appellate Procedure and the rules of the court hearing each appeal.

Base Program Description: As trial counsel for the government, U.S. Attorneys have the kind of direct experience and perspective which makes them well suited to represent the government in appellate proceedings. Their firsthand knowledge of the circumstances leading to the ruling(s) at issue, as well as their general appreciation for trial procedures, gives them a perspective which is not available to attorneys whose practice is strictly confined to appellate law.

The conduct of an appeal is typically assigned to the Assistant U.S. Attorney who conducted the subject court proceeding. He/she is therefore already familiar with the arguments which led to the lower court ruling, probably having argued successfully for the ruling(s) which is the subject of the appeal. After considering the pertinent case law, the transcript, and any other information which bears on the issue, the Assistant U.S. Attorney formulates a written argument supporting the position of the government. After filing a brief, he/she may be required to participate in oral arguments before the court. If further appellate proceedings are required, the Assistant may be called upon to assist the legal division and the Solicitor General in preparing the case for review by the Supreme Court. To ensure that a national perspective and consistency are attained, the preparation of appellate cases is coordinated with the appropriate legal division of the Department. All appeals brought by U.S. Attorneys to overturn a lower court ruling are individually authorized by the Solicitor General.

Accomplishments and Workload: The appellate workload of the U.S. Attorneys is presented in the following table.

Item	Estimates		
	1979	1980	1981
Criminal appeals filed	3,170	3,034	3,200
Criminal appeals terminated.....	3,237	2,951	3,100
Criminal appeals pending	3,956	4,039	4,139
Civil appeals filed.....	2,281	2,460	2,500
Civil appeals terminated.....	2,052	2,100	2,300
Civil appeals pending.....	3,100	3,460	3,660
			3,810

The above table presents data concerning the U.S. Attorneys' appellate workload. As indicated, there has been a modest decline in criminal appeals and an increase in civil appeals. This development reflects a similar change in the relative number of criminal and civil trials. Criminal trials have been decreasing as the U.S. Attorneys have focused on complex white collar crime, official corruption, organized crime, and drug trafficking offenses. Civil trials have increased as the new judges authorized by the Omnibus Judgeship Act of 1978 have begun to reduce the civil case backlog. A continuation of the present workload at approximately the same level is projected for 1981 and 1982.

For 1980, the U.S. Attorneys achieved success at the same rate as in recent years. Of the 2,951 criminal appeals closed, only 118 (4%) were decided against the United States. Of the 2,100 civil appeals closed, only 104 (5%) were decided against the United States.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
Criminal litigation.....	2,467	2,338	\$98,150	2,467	2,410	\$104,606	2,467	2,410	\$104,606

Long-Range Goal: To promote obedience to the criminal laws of the United States by individuals within its jurisdiction.

Major Objectives:

To review all allegations of federal criminal law violations and to prosecute all offenses which merit federal prosecution.

To obtain judicial determinations as to the guilt or innocence of individuals who may have violated the laws of the United States.

Base Program Description: The activities included in this program commence whenever an alleged criminal law violation comes to the attention of a U.S. Attorney. The selection of cases for prosecution is perhaps the most sensitive aspect of the U.S. Attorneys' criminal litigation functions, and a careful review is conducted in all cases except for those which are declined on the basis of established policies or obvious lacunae, such as an unknown subject. Consideration is given to the adequacy of the evidence, the condition of the prospective defendant, the availability of alternatives to federal prosecution, the application of department policies and other factors before proceedings are instituted against an individual. Except for misdemeanor offenses, and in instances in which the defendant waives his right to a grand jury indictment, the evidence is presented to a grand jury, and the jurors make the final, official decision for prosecution by voting on an indictment proposed by the U.S. Attorney.

Following the delivery of an indictment, the U.S. Attorney is responsible for presenting the charges at the arraignment of the defendant and for participating in preliminary hearings concerning such issues as defendant's bail status, the propriety of their indictment, the forfeiture of defendant's property, the competency of the defendant, the admissibility of evidence, etc. In addition to the formal proceedings at which U.S. Attorneys represent the government, they are constantly negotiating with defense counsel, witnesses, court officials, and investigators to keep the case progressing within the statutorily defined limits for speedy trial. Although only ten percent of all criminal prosecutions are concluded by a trial, the U.S. Attorneys must always be prepared to go to trial to avoid the risk of dismissal for noncompliance with Speedy Trial Act time limits and to negotiate effectively with defense counsel for a guilty plea by the defendant. Whenever the defendant is unwilling to admit guilt and a trial becomes necessary, the U.S. Attorneys then are responsible for presenting the factual evidence which will convince the jury of defendant's guilt and for advocating legal arguments which will elicit judicial decisions in support of the government's case.

Accomplishments and Workload:

Item	Estimates		
	1979	1980	<u>1981</u> <u>1982</u>
Complaints received.....	143,352	98,520	100,000
Cases filed.....	30,653	29,120	29,000
Complaints terminated (excluding cases filed).....	111,756	97,099	100,000
Cases terminated.....	31,344	27,873	30,000
Complaints pending.....	36,623	38,044	38,044
Cases pending.....	22,841	24,041	23,041
Grand jury proceedings.....	16,446	16,592	17,500
Trial.....	3,662	3,561	3,500

The above table reflects a generally decreasing numerical level for the workload categories which pertain to criminal litigation. This decrease is due to a gradual change in the focus of federal criminal enforcement. Much of the workload in previous years consisted of single incident offenses for which local prosecution was available. U.S. Attorneys and federal investigative agencies have shifted their attention from such cases, and they are now concentrating on a smaller number of more complex and more significant cases which cannot adequately be prosecuted by local authorities. A few of the cases prosecuted by U.S. Attorneys in 1980 are discussed below.

U.S. Attorneys continued their efforts against fraud involving job training funds disbursed pursuant to the Comprehensive Employment and Training Act. The conviction of three individuals in the food service industry and a Bridgeport CEFA official, in connection with the theft of \$35,000 in CEFA funds earmarked for the economically disadvantaged and unemployed, brought to ten the number of convictions for CEFA fraud by a newly-created Special Prosecution Unit in Connecticut. A Kansas City, Kansas, businessman was convicted of fraudulently obtaining CEFA funds in excess of \$120,000 from a CEFA grant designed to train economically disadvantaged persons as screw machine operators, provided for the use of the defendant's business facilities as part of the training program. Two University of Wisconsin professors were prosecuted in connection with the theft and misapplication of Federal grant

funds. In one case, a pathology professor pled guilty to charges of theft of National Institute of Health funds by using funds for personal travel purposes, and was fined a maximum fine. In the other case, a professor of education pled guilty to charges of theft and misuse of funds which he had received as director of the Wisconsin Teacher Corps Program from the Department of Health, Education and Welfare; he was sentenced to 60 days in jail. Both cases have had wide impact both in the university community in Wisconsin and in the academic community nationally, resulting in considerable tightening up of the use of Federal grant money by personnel in academia entrusted with those funds. In Southern Georgia, a former State Senator and Chairman of the State Senate Banking Committee, and a president and a director and member of the loan committee of a bank, were convicted of fraud involving \$2 million in unsecured loans made by the bank. The former Senator received a ten-year sentence and a \$55,000 fine; the president received a three-year sentence and a \$5,000 fine; and the member of the board and loan committee received a ten-year sentence and \$60,000 fine. A defendant was sentenced to two years imprisonment on his guilty plea to an indictment charging him with international check-kiting scheme that resulted in a \$107,000 loss to a Buffalo, New York bank. The defendant had taken advantage of a 14-day delay in processing checks between the bank of Montreal at Fort Erie, Ontario, and the Erie Savings Bank at Buffalo. Following the Mirage series in the Chicago Sun Times, in which undercover operatives of that newspaper exposed a network of accountants and tax preparers in Chicago who advised small tavern owners in the techniques of skimming profits, the U.S. Attorney conducted a joint investigation, with the IRS, of the tax preparers and their clients. Eight tavern owners were convicted of tax fraud in understating purchases and gross receipts. Prosecution for an understatement of the gross receipts was a novel and untested prosecution theory; and proof of the actual gross receipts depended upon use of a "mark-up" theory, another untested and novel prosecution approach.

Several important cases involving official corruption were concluded in 1980. David Friedland, a prominent New Jersey State Senator, and his father, a former State Assemblyman, were convicted of receiving kickbacks for arranging a \$4 million loan from a Teamster Pension Fund. The Friedlands, who were attorneys to ten of the 35 Teamster unions in New Jersey, were also convicted of obstructing justice and failing to report interest income from their secret Swiss bank accounts. In Northern Illinois, the Attorney General of the state was convicted of filing a false income tax return for 1972. He received a sentence of one year and a day. In Arkansas, a Memphis man pled guilty to bribing 17 Arkansas county judges. Four other judges had been convicted for accepting bribes under the racketeering and travel acts in an ongoing investigation by the FBI and the Postal Inspectors in the Eastern District of Arkansas. Arkansas county judges are primarily administrators, with the responsibility of purchasing materials for county-maintained roads and other functions of county government. Bribes were, for the most part, in the form of kickbacks and the splitting of payments for undelivered materials. In Middle Alabama, a continuing investigation into public corruption with respect to the purchase of pipe, chemicals and petroleum products by county commissions and municipalities resulted in the convictions of six county commissioners, a city manager, a chief of police, three superintendents of municipal utility boards, the presidents of two chemical supply business firms, and the president of a pipe and road maintenance

supply company. All of these convictions involved violations of the RICO and mail fraud statutes; the suppliers were paying kickbacks to the public officials in order to sell their products and, in some instances, the supplier agreed to pay a greater kickback in return for the payment of bogus invoices where the items invoiced were never shipped. In Middle Pennsylvania, two members of the Shamokin Area School Board were successfully prosecuted for Hobbs Act violations. They were found guilty of having extorted \$12,350 under color of official right and fear of economic injury from an architectural firm that did work for the school district in the mid-1970's. Late in 1978, the U.S. Attorney in Eastern New York received allegations of a major pattern of corruption among New York Marshals. The marshals, who are appointed by the Mayor, are authorized to collect judgments obtained by creditors in the Civil Court of the City by selling debtors' property at public auction sales. The investigation disclosed a conspiracy among City Marshals in which they routinely accepted bribes from a group of regular buyers who attend Marshal sales in return for rigging the auction sales and selling the debtors' property at deflated prices. The investigation further disclosed that the creditors failed to recover the true amounts of their judgments and debtors were deprived of the true value of their property due to this corrupt practice. The investigation resulted in the conviction of ten Marshals and reduced the number of City Marshals by nearly 20 percent. In addition, ten auctioneers who had conspired with the Marshals were also convicted on various charges. As a result of a two-year investigation into U.S. Customs irregularities, supervised by the New Jersey U.S. Attorney's Office, 28 defendants pleaded guilty to a variety of offenses including conspiracy to defraud the Government, accepting gratuities, supplementing salary of Government officials, and obstruction of justice. The defendants included the Area Director for the U.S. Customs Service as well as the Assistant Area Director and the Chiefs of the Warehouse Section, Import Specialist Section, and Merchandise Control Branch, and the Area Assistant Chief Inspector.

Organized crime was the object of other prosecutions in 1980. Three union officials and a Little Rock businessman were convicted of 26 counts of conspiracy, racketeering, and embezzlement of union funds in the Eastern District of Arkansas. The three-week trial was the culmination of an FBI investigation which began in 1977. Among the predicate offenses were the solicitation by union officials for the murder of an international representative who was investigating the affairs of the Local in 1978 and embezzlement of funds from a training program funded by the Federal Government. In New Jersey, Anthony Provenzano and three others were convicted of extorting labor payoffs from Seatrain Lines in return for allowing Seatrain to violate their Teamster Union contract. In return for the payoffs, Seatrain did not pay any benefits or overtime to any of their trucking employees and their unorganized employees were not unionized. Provenzano was able to accomplish this scheme through his autocratic control of Teamster Local 560, one of the largest in the country. Following his conviction, in an unprecedented action, Provenzano's bail was revoked because the court found him to be an economic danger to the community. Also in New Jersey, Tino Fiumara, a reputed organized crime chieftain, and three of his lieutenants were convicted of Hobbs Act extortion as a result of their efforts to extort a 25-percent interest in a local restaurant. The owner of the restaurant had originally come to Fiumara for assistance to settle a problem he was having with members of organized crime in another state. The conviction was obtained even though the frightened victim had, at trial, completely disavowed his earlier grand jury testimony. The trial judge ruled that, under the new Federal Rules of Evidence, the victim's grand jury testimony in which he described his deathly fear of Fiumara was admissible as substantive evidence. George Poulos and Kim Kilgore were convicted on charges

resulting from the arson of a Wichita, Kansas, real estate business that was in competition with Kilgore. In 1976, Poulos was hired by Kilgore to destroy certain business records of a competitor, and Poulos hired a third man who actually set the fire. All three participants had extensive criminal records; Poulos had been arrested over 250 times and actively encouraged his reputation as a local "godfather." Poulos was sentenced as a Dangerous Special Offender to 25 years in prison, and Kilgore was given three years after entering a plea to misprison of a felony and testifying against Poulos. The man who set the fire was given immunity and placed under the Witness Security Program. In Eastern Missouri, 14 persons were charged with narcotics and RICO violations in connection with a large-scale drug operation of the Olivastro family, a St. Louis organized crime group. Nine pled guilty prior to trial and three received jury verdicts of guilty; one was acquitted and one is a fugitive.

Violations of controlled substances laws figured in the conduct of many important convictions. Eleven defendants were convicted on continuing criminal enterprise charges for their participation in one of the largest heroin distribution rings ever uncovered in Chicago. The multi-million-dollar street operation was active 24 hours a day on a three-shift basis, employing cutters of heroin, street dealers, and street supervisors. Conviction on the continuing criminal enterprise charge was the first such conviction in this district in a narcotics case and carries a minimum sentence of ten years and a maximum of life imprisonment. A major heroin trafficker in the Tidewater area of Virginia was convicted of conducting a continuing criminal enterprise. The defendant, who had attempted to kill one Government witness and was implicated in the contract murder of another, was sentenced to life imprisonment without possibility of parole. Also in Virginia, Shahrokh Bakhtiar, an Iranian national, was convicted of the importation of 20 kilograms of pure heroin from factories in Iran. The prosecution of Bakhtiar and two accomplices involved the use of a DEA undercover agent playing the role of an organized crime buyer of bulk heroin, the use of one million dollars in cash as a "flash roll," a seven-pound heroin seizure, and a little ill wiretap. In Western New York, 13 defendants were indicted for conspiracy, over an eight-year period, to import and distribute more than 300 pounds of pure white heroin. The heroin was refined in France, shipped to Italy, then to Canada, and finally smuggled into the U.S. Two defendants were sentenced to ten years' imprisonment; another, due to his age and poor health, received five years. Of the remaining defendants, two Italian nationals who are considered major sources of the heroin are incarcerated in Italy awaiting extradition, three other defendants have pled guilty, three are fugitives, one is deceased, and one is awaiting trial. A major heroin importing and distributing organization, which involved heroin smuggled from Thailand to Guam and on to Hawaii and the West Coast, was destroyed by a successful prosecution by the U.S. Attorney in Guam. Pan American cargo employees were used to divert baggage in Guam to avoid customs. Several million dollars worth of China white heroin was brought into the country over a five-year period. The heroin brought to Guam supplied 60 to 80 percent of the addicts on that island. Using numerous financial records, tax documents, and approximately 106 witnesses, 13 of the 14 persons indicted were successfully prosecuted. The three leaders in the organization received prison sentences ranging between 13 and 18 years. In Brooklyn, John Grammatikos, described by the DEA as one of the biggest volume narcotics dealers in the world, was convicted of heading a continuing criminal enterprise and of having engaged in distribution of controlled substances. Grammatikos utilized the contacts and expertise he had acquired as a merchant seaman to operate a far-flung system for the procurement, importation, and distribution of vast quantities of controlled substances, principally hashish. Grammatikos was sentenced to 15 years imprisonment with no parole, and fined \$50,000. In addition, the jury required

Grammatikos to forfeit a yacht and discotheque-hotel he owned in Greece. Two San Francisco pharmacists were sentenced to two years imprisonment with all but six months suspended, and fined, together with two pharmacies which they owned, a total of \$120,000 after guilty pleas by the four defendants to conspiracy to distribute controlled substances by filling prescriptions which they knew had not been issued in the usual course of professional conduct or for valid medical reasons. The defendants were charged with distributing approximately 1.2 million Ritalin tablets, 250,000 Quaalude tablets, and other Schedule II controlled substances during a period of approximately 2 1/2 years during which the defendants earned over \$250,000 in profits and submitted well over \$100,000 in fraudulent claims to Medi-Cal. An Austin, Texas, jury convicted Jamiel (Jimmy) Alexander Chagra for a continuing criminal enterprise violation involving importation and distribution of cocaine and marijuana. A native of El Paso, Chagra is a self-styled "high stakes" professional gambler who has resided in Las Vegas and has been a documented drug smuggler since 1969. In 1977-1978, while living in Florida, Chagra directed drug importations from Colombia to Florida, with distribution of the drugs to Texas, Colorado, New Mexico, California, Oklahoma, and Connecticut. During that period, three boatloads netting over 100,000 pounds of Colombian marijuana were seized off the Florida coast. Although after the verdict the Government moved to remand Chagra to custody or to increase the bond to three million dollars, Chagra was continued on \$400,000 bond pending sentence. Testimony at the trial revealed that Chagra had gambling losses of approximately two and one-half million dollars during a six-month period in 1978 and had lost \$915,000 in one night. Chagra failed to appear for a bond hearing and also failed to appear for sentencing. In jumping bond, Chagra forfeited his \$400,000 bond and remained a fugitive until his arrest in Las Vegas shortly before his sentencing hearing. At the time of his arrest, he was in possession of \$180,000 in cash. Chagra was sentenced to 30 years imprisonment and a fine of \$100,000 on the continuing criminal enterprise count and 15 years imprisonment and a \$25,000 fine on the substantive cocaine count, plus a special parole term of life. Chagra was subsequently convicted of failing to appear after being released on bond. On this bond jumping charge he received a sentence of five years imprisonment to run concurrent with the 30-year sentence.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease					
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount				
Civil Litigation.....	1,509	1,431	\$55,994	1,509	1,478	\$59,677	1,572	1,525	\$61,658	63	47	\$1,981

Long-range Goal: To protect or to advance the interests of the United States through the conduct of civil litigation.

Major Objectives:

To respond promptly and forthrightly to all suits brought against the United States.

To conduct litigation against private parties to recover monetary losses suffered by the Government.

To collect all monies owed the United States by virtue of judicial decision, i.e., fines, forfeitures, penalties, judgments, etc.

Base Program Description: In conducting civil litigation, U.S. Attorneys work closely with the legal divisions of the Department and the affected agencies to ensure that the Government's interests are fully represented to opposing counsel and to the court. U.S. Attorneys participate in negotiations with opposing parties, file appropriate motions and memoranda with the court, present the Government's position in hearings before the court, take depositions, organize evidence and conduct trials as necessary.

Accomplishments and Workload:

Item	Estimates		
	1979	1980	1981
Civil matters received.....	106,095	101,382	105,000
Civil cases filed.....	60,515	67,085	70,000
Civil matters terminated (excluding cases filed).....	13,488	16,184	20,000
Civil cases terminated.....	49,634	56,413	60,000
Civil matters pending.....	62,845	80,958	95,958
Civil cases pending.....	81,528	92,200	102,200
Civil trials.....	1,069	1,200	1,250
Collections (in thousands of dollars).....	242,214	229,271	275,000

As the above table reflects, the number of civil cases and matters requiring the U.S. Attorneys' attention continues to increase dramatically. The number of cases terminated in 1980 compared with 1979 increased by barely 200 cases more than the number of cases filed, compared with 1979. Inasmuch as the new cases filed already outstripped the number of cases terminated by a six-to-five margin, the backlog of pending cases increases by over 10,000 cases. No diminution of this trend is forecast for the coming years.

Several important civil cases litigated by the U.S. Attorneys were concluded in 1980. A case in Connecticut threatened the continued viability of the Mexican-American Prisoner Transfer Treaty which has enabled the transfer of approximately 450 American prisoners from Mexico to this Country since its ratification in 1977. Three former inmates at the Federal Correction Institution at Danbury sought writs of habeas corpus challenging transfers from Mexican to United States custody under the terms of the treaty on the theory that the treaty effected an unconstitutional suspension of the writ of habeas corpus, because a transferring prisoner is required to waive any right he may have in the U.S. Courts to challenge the underlying Mexican conviction. The Court of Appeals held the prisoners' consents to be valid and that they were estopped from challenging the treaty after having taken advantage of its provisions knowingly and voluntarily. In Mississippi, the U.S. Attorney successfully concluded a significant number of land condemnation suits in the massive Tennessee-Tombigbee waterway project. One hundred sixty miles of this 253-mile, billion-dollar-plus project traverses the entire eastern side of the Northern District of Mississippi and involves the ultimate acquisition of approximately 2,500 tracts in the District. In the first swine flu case to be tried in Ohio

and one of the first such cases to be tried on all the liability issues in the Country, the Court entered judgment in favor of the United States. The plaintiff had alleged that, as a result of a swine flu vaccination received in 1976, she contracted as a direct and proximate result thereof in 1978 a rare neurological disorder of the peripheral nervous system known as Guillain-Barre Syndrome (GBS). The Court held that plaintiff had failed to prove that her neurologic disorder resulted from GBS and that, even if it did, plaintiff had failed to establish a direct or proximate cause between the GBS and the inoculation administered by the Government.

Environmental causes figured in some other important civil litigation. In New Jersey, a 69-count complaint seeking millions of dollars in damages was filed against 11 defendants and their companies who were engaged in collecting and transporting liquid wastes to a landfill for disposal. The complaint charged that the defendants accepted over 70 million gallons of toxic wastes which they allowed to seep into adjacent waterways and tidelands. A partial settlement of the case was reached which requires the companies involved to act under EPA supervision to correct the problems and ensure they do not recur while the remainder of the case is litigated. In the first suite brought by the U.S. against a water purveyor, a preliminary injunction was issued in Oregon, requiring the purveyor to purchase and install automatic gas chlorinators on its water systems. When this order was breached, the Government initiated contempt proceedings which culminated in the defendants' agreement to the immediate divestiture of their water systems by a newly-formed public water district. The U.S. recovered \$5,327 of its expenses in pursuing the contempt, and the court assessed civil penalties of \$26,400 against the defendants because of their numerous and recurring violations of the EPA drinking water. A Kentucky coal corporation holding long-term contracts with Ohio-based utilities brought suit in the Eastern District challenging the constitutionality of Section 125 of the Clean Air Act on the grounds that it interfered with the Interstate Commerce Clause and other sections of the Constitution. The suite was initiated by the Kentucky coal company out of concern that the Administrator of EPA would adversely interpret the Act restricting the Ohio utilities to burning only regionally mined coal. Ohio coal has a high sulfur content, the clean burning of which requires the installation of expensive scrubbers. That interpretation would eliminate the purchase of Kentucky coal, which has a low sulfur content and does not need scrubbers to burn cleanly. The court ruled that EPA has the authority to permit the burning of coal mined from a specific region even though that region is removed from the location of the generating plant of the utilities. Although EPA's authority pursuant to the Act, may have some adverse effect on interstate commerce, it does not violate the commerce clause.

Program Changes: The 1982 request for this program includes resources for 31 new paralegal specialists and 32 new clerical assistants to upgrade the efforts of the U.S. Attorneys to collect debts referred to them by federal executive agencies. The U.S. Attorneys are often able to collect debts without resorting to litigation. Over one-quarter of the amounts collected by U.S. Attorneys in 1979 were collected without the execution of a court judgment. U.S. Attorneys are often able to elicit debt collection with correspondence to the debtor informing him/her that unless a prompt commitment for restitution is made, legal proceedings will be instituted. Such correspondence is typically followed by direct negotiation, including an interview with the debtor in the U.S. Attorney's office, before a schedule for repayment is established. Additional follow-up may be necessary if payments are missed. Court judgments, however, are often necessary, and the additional paralegal specialists included in this package will be responsible for preparing the documentation necessary to perfect claims, for securing judgments, and for negotiating with debtors as necessary. The additional clerical employees will be devoted to typing documents and keeping records. With more than 60,000 debts requiring the U.S. Attorneys' attention, considerable resources are consumed.

1981 Appropriation Anticipated

1982 Base		1982 Estimate		Increase/Decrease	
Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
25	\$2,252	25	\$2,308	...	...
Litigation Support Activities.....					

Long-Range Goal: To improve the quality of government legal representation.

Major Objectives:

To provide lectures, discussion, and practical sessions to sharpen the advocacy skills of inexperienced Department of Justice attorneys.

To provide training relevant to the duties of all federal legal personnel.

Base Program Description: The primary vehicle for providing instruction to inexperienced Department attorneys is the Attorney General's Advocacy Institute. The Advocacy Institute employs experienced trial attorneys and District Court judges as instructors for lecture, discussion, and practical sessions. Through the use of videotape facilities, student performances are recorded and played back for analysis and critiques. By conducting its courses in Washington, the Advocacy Institute also offers a means for introducing new Assistant U.S. Attorneys to the operational practices of the Department of Justice in Washington.

While the Advocacy Institute is focused on teaching courtroom technique and negotiation skills to Department of Justice attorneys, the Legal Education Institute is directed at providing general legal instruction to attorneys employed throughout the government. The Legal Education Institute offers courses in recently enacted legislation, administrative law practice, paralegal training, and other topics of general interest to government attorneys.

Item	Estimates	
	1981	1982
Advocacy skill classes conducted.....	18	24
Students in advocacy skills classes.....	637	880
Specialized seminars conducted.....	12	15
Participants in specialized seminars.....	1,038	1,200
General legal education classes offered.....	...	25
Students in general legal education classes.....	...	298

During 1980, a new office was created to house the expanded activity of the Attorney General's Advocacy Institute (AGAI) and the new responsibility for continuing legal education for lawyers in all of the Federal Departments and agencies. As part of the President's reorganization of the Executive Branch, the Legal Education Institute (LEI) was transferred to the Department of Justice from Office of Personnel Management and placed in a new Office of Legal Education. All attorney training and education is coordinated through this office, for both the Department of Justice and all other and agencies.

During the year, the AGAI offered twelve Criminal and Civil Trial Advocacy programs and four courses in Appellate Advocacy. New case materials reflecting the Department's white collar crime priority were added to the basic and advanced courses. For the first time, Civil law material was featured with criminal material in the Appellate Advocacy Course. Through specialized seminars, the AGAI offered training in each of the major priorities of the Department, including narcotics and dangerous drugs, public corruption and fraud, and other economic or white collar crime areas; the FBI and DEA were included in the planning and presentation of the seminars. In conjunction with the creation of new enforcement responsibilities in the Land and Natural Resources Division, new seminars were planned for litigating division attorneys and Assistant U.S. Attorneys, beginning with wildlife enforcement; Treasury, Interior, and Agriculture Department attorneys and investigators were brought into the planning as well as the presentation of the new wildlife seminar.

The expansion of the civil caseload in U.S. Attorneys' Offices was reflected in three new seminars for Assistant U.S. Attorneys in the civil area: Aviation Law; General Civil Litigation; and Medical Malpractice Litigation. The last was done with the participation of military and Veterans Administration lawyers and doctors. A special session was held covering the large number of swine flu cases. During 1980, nearly 800 attorneys were trained in all of the basic courses, and 1312 participated in seminars.

The Office of Legal Education's first courses were offered in June 1980, all on an inter-agency basis, and were in two categories: (1) training of broad application for a number of agencies, such as freedom of information law and Federal employment law; and (2) training which can promote better working relationships among agencies, particularly with the Department of Justice, such as in those situations in which the Department represents other departments and agencies. The Department offers the courses without cost to the agencies.

In addition to general legal subjects, LEI also began work on advocacy training for other agencies, concentrating on lawyering skills such as examination of witnesses, and Federal court motions practice for those agencies with separate litigation authority. These courses also complement the defensive litigation course for agencies without litigation authority.

In determining LEI training priorities and evaluating effectiveness, the Office of Legal Education works closely with the Federal Legal Council, through its committee on training.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Executive Direction and Control...	28	27	\$1,121	28	28	\$1,173	28	28	\$1,173	...	...

Long-Range Goal: To provide consistent direction and an equitable distribution of resources to the 95 U.S. Attorney offices.

Major Objectives:

To obtain the appointment of the most qualified individuals to positions in the offices of the United States Attorneys. To allocate available resources among the 94 U.S. Attorneys so as to support an appropriate litigation posture in each district.

To represent the interests of all U.S. Attorneys in the development of Department of Justice policy and to support nationwide consistency in the handling of federal litigation.

Base Program Description: The functions of this program are performed by the Executive Office for U.S. Attorneys which was established by order of the Attorney General in 1953. Among the functions performed by the Executive Office are establishing staffing levels for each district, evaluating the performance of individual U.S. Attorneys, formulating the budget, publishing the U.S. Attorneys' Manual and the U.S. Attorneys Bulletin, and coordinating compliance with FOIA/Privacy Act inquiries.

Accomplishments and Workload: In 1980, 630 additional positions were appropriated for the U.S. Attorneys and allocated to the 95 judicial districts by the Executive Office for U.S. Attorneys. In allocating the positions to the various judicial districts, consideration was given to the district's existing and projected caseload, the judicial capacity and the level of effort devoted to priority cases. Also, the Executive Office developed new pay and performance appraisal systems for Assistant U.S. Attorneys. These systems are designed to meet the requirements of the Civil Service Reform Act of 1978, closely link pay and performance appraisal decisions, and recognize outstanding non-supervisory trial attorneys by their designation as Senior Litigation Counsel.

The Executive Office routinely provides legal opinions, interpretations and advice to U.S. Attorneys on concerns such as legislation, regulations, and Departmental guidelines; drafts, reviews, and testifies on legislative proposals and regulations; and is responsible for maintaining effective liaison and guidance in intergovernmental legal affairs. During 1980, activities included:

- 1) Participation in committees preparing revisions to the Federal Rules of Criminal Procedure.
- 2) Extensive communication and testimony before three subcommittees of Congress on subjects such as the Speedy Trial Act, Pretrial Diversion, and the Omnibus Court Reorganization Act.
- 3) Processing and responding to over 600 Freedom of Information and Privacy Act requests, representing over six million documents and extensive court filings.

4) Supervision and coordination of the efforts of the Department to comply with the Speedy Trial Act, which became effective July 1, 1980. Training and reference manual materials were prepared and distributed throughout the U.S. Attorneys' Offices and a uniform system of speedy trial coordination set up to monitor and implement Departmental compliance.

5) Publication of three new sections of the Department's primary reference source, the United States Attorneys Manual: a complete revision of Title 8, the Civil Rights Division; the addition of the "Principles of Federal Prosecution" to the Criminal Division's portion of the Manual; and the addition of Title 10, prepared and published by the Executive Office to assist U.S. Attorneys with the administrative tasks necessary to support their litigation activities.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount		Perm. Pos.	WY Amount	
Administrative Services...	35	32	\$5,424	35	34	\$5,494	55	49	\$10,080	20	15	\$4,586

Long-Range Goal: To optimize the effectiveness and efficiency of U.S. Attorney operations.

Major Objectives:

To insure that all appointments, promotions, discipline, training and other personnel actions are effected promptly and are consistent with all applicable statutes, regulations and policies.

To arrange for appropriate physical facilities (office space, furniture, equipment, library books, etc.) to support and promote the operations of individual U.S. Attorney offices.

To modify existing information systems and establish new systems to collect, record, and report appropriate data on the activities of the U.S. Attorneys.

Base Program Description: The Executive Office for U.S. Attorneys is responsible for performing the functions included in this program. The U. S. Attorneys submit requests for personnel actions to the Executive Office where they are reviewed and appropriate action is taken. Actions include employee appointments and promotions, position classifications, training authorizations, disciplinary actions and other actions for which the Executive Office possesses final authority (28 CFR 0.138). Similarly, the needs of the U.S. Attorneys are brought to the attention of the Executive Office by means of requisitions and other correspondence. The Executive Office reviews U.S. Attorney requests for availability of funds and consistency with established policy and requests action by the organization possessing final authority. The operation of the existing information system is directed by the Justice Management Division

with the Executive Office sometimes functioning as an intermediary between JMD and the U.S. Attorneys on specific problems. The development of a new information system, however, is being directed and organized by the Executive Office with the assistance of a private contractor engaged by the Department of Justice.

Accomplishments and Workload: During FY 1980, the Executive Office established a Management Support and Information Systems Services Section within its staff. This section initiated a project to provide automated caseload management capabilities to U.S. Attorney offices. The pilot phase of this project will test the applicability of using a generalized case-tracking software package called PROMIS and the practicability of installing a decentralized data processing system in U.S. Attorney offices. Four pilot districts will be making operational use of the new system in 1981 and the project will be evaluated during that time. The continuation and expansion of the project to all U.S. Attorney offices is contingent upon the recommendations resulting from the pilot evaluation.

Also during 1980, the Executive Office assumed the responsibility for managing its own affirmative action program for U.S. Attorney offices and, in compliance with the Equal Employment Opportunity Commission and OPM regulations, an Affirmative Action Plan was developed. The Plan includes specific hiring goals and timetables for the hiring of minorities and women. An employment review process was instituted to monitor the hiring and promotions of non-attorney personnel for grades GS-1 through GS-12, as well as all attorneys. In an effort to hire handicapped persons, the Executive Office developed a special recruitment program to attract persons with severely handicapping conditions for specific occupations.

Program Changes: The 1982 request for this program includes resources for 20 new positions and \$4,586,000, principally for equipment and contractual services to sustain progress in the modernization of the U.S. Attorneys' information system.

The development of an automated caseload information system is a long-standing need which was begun in 1980. By 1981, it is anticipated that installation of the system in additional U.S. Attorneys' offices can be accelerated. Crucial to this effort is the availability of 20 additional positions to serve as systems managers. They will work directly in the U.S. Attorney offices directing the implementation of data collection procedures, modifying system software to suit the needs of individual offices and devising reports which facilitate office management. In the broadest sense, future progress in the implementation of this system will bring the Department of Justice, OMB and the Congress closer to the ultimate goal of having available comprehensive, reliable data on the activities of U.S. Attorneys.

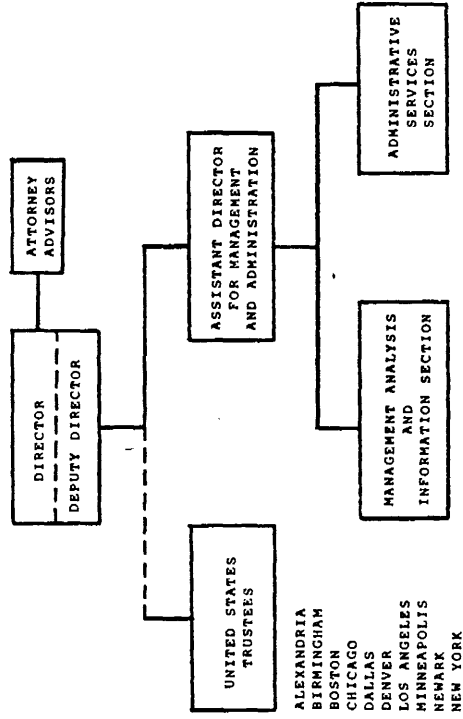
United States Attorneys
Priority Rankings of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	Criminal Litigation	1	Administrative Services
2	Civil Litigation	2	Civil Litigation
3	Federal Appellate Activity		
4	Executive Direction and Control		
5	Administrative Services		
6	Litigation Support Activity		

United States Attorneys
Salaries and Expenses, U.S. Attorneys and Marshals
Financial Analysis - Program Increases
(Dollars in thousands)

Item	Civil Litigation		Administrative Svc.		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS/OH-13.....	...	...	20	\$653	20	\$653
GS-12.....	8	\$216	...	...	8	216
GS-11.....	12	270	...	...	12	270
GS-9.....	11	204	...	...	11	204
GS-6.....	16	219	...	...	16	219
GS-5.....	16	196	...	...	16	196
Total positions and annual rate...	63	1,105	20	653	83	1,758
Lapse (-).....	-16	-276	-5	-163	-21	-439
Total workyears and personnel						
compensation.....	47	829	15	490	62	1,319
Personnel benefits.....	...	75	...	44	...	119
Travel of persons.....	...	158	...	121	...	279
Transportation of things.....	...	5	...	2	...	7
Standard level user charges.....	...	189	...	64	...	253
Comm., utl., and other rent.....	...	221	...	2,293	...	2,514
Printing.....	...	121	...	32	...	63
Other services.....	...	158	...	1,429	...	1,587
Supplies.....	...	32	...	25	...	57
Equipment.....	...	283	...	86	...	369
Total workyears and obligations, 1982.....	47	1,981	15	4,586	62	6,567

EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES



Bankruptcy Matters
Salaries and Expenses, U.S. Attorneys and Marshals
Grossed of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation Actions on 1981 Request		Reprogramming		1981 Supplementals Requested		1981 Appropriation Anticipated	
	Poa.	WY Amt.	Poa.	WY Amt.	Poa.	WY Amt.	Poa.	WY Amt.	Poa.	WY Amt.
1. Bankruptcy Matters.										
Administration of cases.....	150	155 \$5,591	40	40 \$1,250	...	...	...	-40 \$-556	190	155 \$6,285
Executive direction and control.....	17	19 1,067	...	...	...	...	...	29	17	19 1,096
Total.....	167	174 6,658	40	40 1,250	...	...	...	-40 -527	207	174 7,381

Explanation of Analysis of Changes from 1981 Appropriation

Congressional Appropriation Actions on 1981 Request

The Congress approved 40 positions more than the estimate in the 1981 President's Budget.

Supplementals Requested

The pay supplemental of \$281,000 is reduced by a hiring limitation of 40 workyears and \$808,000. The absorption results in a net reduction of \$527,000 in the 1981 appropriation anticipated.

Bankruptcy Matters
Salaries and Expenses, U. S. Attorneys and Marshals
Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base and built-in changes</u>		<u>Perm. Pos.</u>		<u>Work-Years</u>	<u>Amount</u>
1981 as enacted.....		207	214	\$7,908	
Supplementals requested:					
Increased pay costs.....					\$281
Savings resulting from employment reduction.....					-281
Deferral of programs to meet increased pay costs.....					-527
Net pay supplemental.....					
1981 appropriation anticipated.....		207	174	-527	
Uncontrollable increases:					
Annualization of 1981 pay increases.....			20	284	
Administrative salary increases.....			62	44	
Within-grade increases.....			44	5	
Health benefits costs.....			5	18	
Standard Level User Charges (SLUC).....			6	94	
Federal Telecommunications System (FTS).....			18	6	
Travel costs - airfare increases.....			94	72	
GPO printing costs.....			6	591	
General pricing level adjustment.....			72	194	
Total, uncontrollable increases.....		207	194	7,972	
1982 Base.....		207	194	7,972	

	1980 Enacted		1980 Actual		1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease							
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount						
Estimates by budget activity:																		
Bankruptcy Matters:																		
Mainstreaming of cases.....	150	150	\$3,256	150	74	\$2,717	190	155	\$6,285	190	175	\$6,839	150	165	\$6,451	-40	-10	-\$388
Executive direction & control.....	17	17	873	17	14	870	17	19	1,096	17	19	1,133	17	19	1,133
Total.....	167	167	4,129	167	88	3,587	207	174	7,381	207	194	7,972	167	184	7,584	-40	-10	-\$388

Bankruptcy Matters
Salaries and Expenses, U. S. Attorneys and Marshals
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 Enacted		1980 Actual		1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Bankruptcy Matters:												
Administration	150	\$1,256	150	\$2,717	190	\$6,285	190	\$6,839	150	\$6,451	-40	-\$388
Executive direc-	17	873	17	870	17	1,096	17	1,133	17	1,133	...	...
tion & control.	17	873	17	870	17	1,096	17	1,133	17	1,133	...	...
Total.....	167	4,129	167	3,587	207	7,381	207	7,972	167	7,584	-40	-388
Other Workyears												
Overtime.....	...		1		3		3		6			
Total compen-	167		89		177		197		190			
sable workyears.												

Bankruptcy Matters

Salaries and Expenses, U. S. Attorneys and Marshals

Justification of Program and Performance

Activity Resource Summary

Activity: Bankruptcy Matters	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Administration of Cases.....	190	155	\$6,285	190	175	\$6,839	150	165	\$6,451	-40	-10	-\$388
Executive Direction and Control..	17	19	1,096	17	19	1,133	17	19	1,133	--	--	--
Total.....	207	174	7,381	207	194	7,972	167	184	7,584	-40	-10	-\$388

Resources in this budget activity provide for the United States Trustees and the Executive Office for United States Trustees in the administration of bankruptcy cases in 18 pilot districts established by the Bankruptcy Reform Act of 1978. Funds requested for 1982 will support personnel in both the headquarters and field offices in executing the program mandated by the 1978 Reform Act.

Activity: Bankruptcy Matters	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Administration of Cases.....	190	155	\$6,285	190	175	\$6,839	150	165	\$6,451	-40	-10	-\$388

Long-Range Goal: To assure the effective administration of bankruptcy cases, with the maximum confidence of creditors, debtors and the courts. Also, to permit judges to focus on legal matters in the cases before them, by removing judges from case administration.

Major Objectives:

To monitor and supervise panels of private trustees according to standards established by the Attorney General.

To supervise the administration of estates by private trustees and debtors-in-possession, insuring that the interests of all parties are protected.

To act as trustee in cases in which no private trustee is available.

To appoint creditors' committees in Chapter 11 cases, a significantly time-consuming project.

- To monitor the activities of creditors' committees, particularly in Chapter 11 proceedings.
 - To investigate the actions of debtors and recommend, where warranted, denial of discharge.
 - To provide for a meaningful evaluation of program accomplishments by assembling suitable statistical data.
 - To organize and supervise the meetings of creditors in all cases, as required by §341 of the Bankruptcy Code.
 - To provide for and monitor the amount of bond required of each private trustee, on the basis of the total amount of assets being administered by each trustee. The bonds protect the creditors by indemnifying the estate against any losses caused by the private trustee.
 - To supervise all operations of standing trustees in Chapter 13 cases, including approving their books and accounts.
- Base Program Description:** In the pilot districts, the U.S. Trustees are responsible for appointing private trustees to administer Chapter 11 cases, for monitoring the selection of depository banks which handle funds from bankrupt estates, supervising the management of those funds by private trustees, and monitoring the disposition of assets where assets are involved. When matters should be decided by a bankruptcy judge, the U.S. Trustees have the responsibility for filing appropriate motions with the courts to have the issues resolved. The work of private trustees is reviewed and audited for accuracy and compliance with the various sections of law. The U.S. Trustees monitor all cases in Chapter 11, either by monitoring business operations or by monitoring the adequacy of the performance of creditors' committees. They must select the creditors' committees as well, and monitor the requests. Chapter 11 is the most time-consuming case type handled, due to the complexity and the frequency of Chapter 11 filings involving large estates.

The private trustees and U.S. Trustees have several duties and responsibilities when a Chapter 7 case is filed. The appointment of a private trustee is made from a panel maintained by the U.S. Trustee. Liquidation of the debtor's assets is the responsibility of the private trustee under the U.S. Trustee's supervision. When the assets in the case exceed the exclusions provided for by law, the private trustee is compensated for services with a percentage of the remaining assets in the bankrupt estate. The fee request, filed with the court, is reviewed for reasonableness by the U.S. Trustee. Where no assets exist beyond the exclusions, the private trustee is compensated \$20, a figure set by law. Another supervisory responsibility of the U.S. Trustee is reviewing periodic reports filed by the private trustee. The reports may involve investigation of the debtor's assets, the result of any search for assets, assessments or appraisals, computations involving exemptions, or other correspondence related to the case. The U.S. Trustee's review is done to assure accuracy, completeness and compliance with applicable sections of the Bankruptcy Code.

Reorganizations under Chapter 11 of the Bankruptcy Code involve the U.S. Trustee in all of the activities noted for Chapter 7 plus additional duties prescribed by Chapter 11. For example, a committee of the creditors holding unsecured claims against the estate must be formed by the U.S. Trustee. The committee represents creditors in various negotiations with the debtor. The U.S. Trustee is responsible for supervising the committee, and for appointing additional committees as the court may choose to order. The continued operation under reorganization is critical to the creditor's interests in the proceeding. Therefore, the U.S. Trustee may find the need for an examiner to be appointed to conduct a more thorough analysis of the business operation than the U.S. Trustee could perform. Under these circumstances all of the examiner's work must be supervised and reviewed by the U.S. Trustee. Another critical function for the U.S. Trustee involves holding conferences to resolve disputes and determining the methods of operation for a business undergoing reorganization.

Chapter 13 of the Bankruptcy Code provides debtors with the right to adjust debts over an extended time period by making regular, defined payments to a trustee. If the case is routine, it is usually assigned to a standing trustee, who will handle all of the Chapter 13 cases filed in a given area. The option remains, however, for the U.S. Trustee to retain administrative responsibility for the case. The U.S. Trustee must ensure that payments are being made to creditors by the standing trustee, that the standing trustee maintains appropriate bond, and that debtors receive correct advice from the trustee about their repayment plan. Because eligibility to file under Chapter 13 provisions has been expanded significantly by the Reform Act, Chapter 13 filings have increased substantially in the pilot districts.

Accomplishments and Workload: To date, thirteen field offices have been opened and staffed to serve the 18 Federal judicial districts authorized by the Bankruptcy Reform Act to conduct the pilot program. Systems to administer cases and monitor activities of private trustees and creditors' committees are in place to encompass the following functions,

- Establishment of selection criteria for maintaining panels of private trustees. (28 CFR §58.1 - §58.5).
- Appointment of private trustees to panels in accordance with the criteria noted above.
- Timely conduct of §341 meetings has been provided for, convened by either U.S. Trustee personnel or private trustees. Although a major objective of the program has been to have U.S. Trustee personnel convene and supervise all of the §341 meetings, reliance on private trustees to assist in this function has been necessary due to resource constraints.
- For the first time analyses are being conducted to address pertinent aspects of bankruptcy administration in broad areas such as maximizing payouts to creditors, reducing costs of administration and ensuring the integrity of panel trustees and other functionaries.
- Filing deadlines imposed by the court or by law are being met.

The following data represent the caseload and number of debtors filing in pilot U. S. Trustee districts for several years.

Item	Estimates		
	1979 ^a	1980	1981
Cases filed.....	60,923	77,265	96,195
Cases closed.....	58,119	40,086	67,094
Cases pending.....	72,867	37,179 ^b	66,280
Number of debtors from new cases filed.....	60,923	104,424 ^c	130,000
			125,970

a/ Statistics for 1978 and 1979 were obtained from the Administrative Office of the United States Courts. Court statistics in the "Actual" columns are based on a July 1 - June 30 year. References to 1980 through 1982 data pertain to October 1 - September 30 fiscal years.

b/ Only those cases filed after Oct. 1, 1979, will carry forward as "cases pending" with U. S. Trustee. Those cases pending from FY 1979 will continue to be handled by the U. S. Courts.

c/ Under the revised Bankruptcy Code, a husband and wife may file a "joint" petition for discharge of debt where the prior law required filing two separate petitions. Hence, the number of debtors in bankruptcy now exceeds substantially the number of cases filed.

Because data for 1978 and 1979 were maintained by court calendar years, the Administrative Office of the U. S. Courts provided monthly data for adjusting 1979 figures to correspond with the 1979 fiscal year. (The following analysis compares data by fiscal year.) The data showed that 64,397 cases were filed in pilot districts in 1979 compared to 77,265 in 1980. Adjusting for joint petitions filed in 1980, there was an increase of 62 percent in the number of debtors over 1979.

Of particular note is the increase in the number of cases filed under Chapter 13 of the Bankruptcy Code. There were 18,318 Chapter 13 cases filed in the pilot districts in 1980, an increase of 49.2 percent over the 12,281 Chapter XIII cases filed in the same districts in 1979. Chapter 13 provisions, which have made filing for bankruptcy more appealing to debtors were addressed by the 96th Congress in the form of proposed technical amendments to the Bankruptcy Code (96-2nd, S. 658 and S. 3259), but were not passed into law. Because the present law is unclear, standing trustees appointed to handle repayment plans approved under Chapter 13 are uncertain as to the dollar amount of payments they will handle and on which their compensation is based. The U. S. Trustees have experienced difficulties recruiting and retaining qualified Chapter 13 trustees because of the compensation issue as well as the significant increase in cases filed under Chapter 13.

Chapter 11 case filings in the 18 pilot districts also increased considerably, from 1,272 in 1979 to 1,735 in 1980, an increase of 36.4 percent. Although Chapter 11 filings did not increase by as high a percentage as Chapter 13 cases, the resource implications are more important. An estimated 90 percent of U. S. Trustee staff time devoted to case administration involves Chapter 11 cases. In 1980, the U. S. Trustees appointed 1,100 creditors' committees, consisting of 4,368 creditors. There were 2,319 telephone calls made and 14,753 letters sent to solicit committee members. Once formed, and with the monitoring and supervision of the U. S. Trustee, these committees function to protect the interests of all unsecured creditors in the case. Another critical area of responsibility for U. S. Trustees is determining when the appointment of trustees or examiners is necessary to protect creditors' interests in a Chapter 11 case. During 1980, the U. S. Trustees filed 220 motions seeking appointment of a trustee, and assented to 34 similar motions filed by other parties. In only 19 cases did the courts deny the motions for appointment of a trustee. Similarly, U. S. Trustees filed 44 motions seeking the appointment of examiners in Chapter 11 proceedings, and assented to 16 motions filed by others. The court denied only five of these motions. In 1980, the appointments resulting from the above motions involved 209 trustees and 43 examiners. On a related subject, the U. S. Trustees filed or encouraged others to file 238 motions to dismiss Chapter 11 proceedings or to convert the proceedings to a Chapter 7 case (liquidating bankruptcy).

Chapter 7 case filings for 1980 were 57,212 in the pilot districts, an increase of 12.5 percent over the 1979 filings. In more than 90 percent of these cases, there are no assets to distribute to unsecured creditors after secured creditors' interests are satisfied and exemptions are applied. In these cases, which require considerable work, the panel trustee is entitled to only \$20 compensation, to be paid from the filing fees (11 U.S.C. §330(b)). In 1980 there were 16 cases where no panel trustee was willing to serve; therefore, the U. S. Trustee had to appoint himself as trustee. In 1980, 70 trustees resigned from the panels, usually citing the fee structure. Should the U. S. Trustee be required to administer directly any substantial increase in the number of "no-asset" cases, there would be definite resource implications; the 1982 request assumes no large-scale handling of the work of panel trustees by U. S. Trustees.

Program Changes: A program decrease of 40 positions and \$388,000 is requested for 1982 as a result of the Administration's decision to limit certain Department of Justice organizations to their on-board strength as of December 31, 1980.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY Amount
Executive Direction and Control...	17	19	\$1,096	17	19	\$1,133	17	19	\$1,133	...	...

Long Range Goal: To furnish U.S. Trustees with effective and efficient management, policy direction, administrative support and coordination.

Major Objectives:

- To develop policies which foster efficient implementation of the program created by the Bankruptcy Reform Act of 1978, including the assurance that U.S. Trustees' actions are consistent with law.
- To provide training for the U.S. Trustees, private trustees and field employees in the new aspects of bankruptcy law, and develop the capability to react to any changes or proposed changes in existing law.
- To collect and distribute, where appropriate, caseload and workload data.
- To provide for liaison with central administrative bodies, such as the Office of Personnel Management, GSA, OMB and the Administrative Office of the U.S. Courts.
- To test various operating procedures at individual offices and coordinate system-wide adoption of those methods found to offer budgetary savings without compromising the attainment of program goals.
- To determine ADP and word processing requirements of field offices and provide for the necessary procurement, installation and maintenance of suitable systems.
- To develop and maintain an operating manual for guidance of U.S. Trustees.
- To allocate resources and control the expenditure of funds in a manner which permits program accomplishments within appropriated levels.

Base Program Description: The Executive Office for U.S. Trustees is staffed with specialists in personnel, space management, budgeting, law, and program and management analysis. Generalists handle contracting, procurement, word processing, fiscal and other services which support field personnel in carrying out their duties and responsibilities.

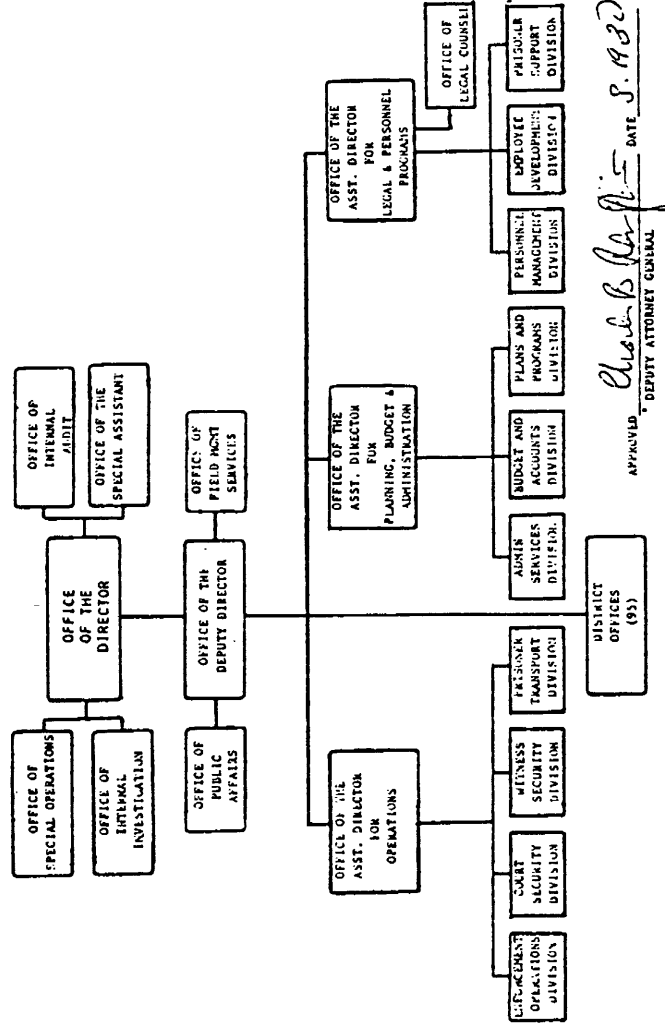
Accomplishments and Workload: The present staff has been able to provide many of the requirements of field personnel with a minimum of delay. Responsiveness to field office needs has been very good in spite of the heavy demands placed on the administrative section in establishing the 13 field offices beginning in 1979. Once the 10 U.S. Trustees had been selected and trained, program personnel such as bankruptcy analysts, docket clerks, and legal technicians were recruited and hired very quickly.

To handle the influx of new personnel, such items as space, furniture, equipment and telephones were acquired for offices and hearing rooms. Recordkeeping and data collection systems were developed and established for caseload monitoring, employee time reporting, and fiscal control. The Executive Office for U.S. Trustees is presently using the Department's Financial Management Information System to monitor budget execution on a timely basis. Records retention standards have been promulgated with respect to recordings of 1341 meetings of creditors and debtors. Forms have been designed and put into use by field offices. A study of word processing requirements has been completed, resulting in the lease of suitable equipment for each field location. Several training conferences have been held for U.S. Trustees to discuss program implementation problems, emerging issues in bankruptcy administration and alternative ways to handle similar situations. The conferences are an extremely important means of communicating policy initiatives to U.S. Trustees and receiving feedback on differing experiences among U.S. Trustees in their interaction with debtors, creditors, the Bankruptcy Courts, judges and U.S. Trustee field personnel. Because of resource constraints, only limited in-house training has been conducted for U.S. Trustee office staffs.

Bankruptcy Matters
Salaries and Expenses, U.S. Attorneys and Marshals
Priority Ranking of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	ADMINISTRATION OF CASES	NONE	
2	EXECUTIVE DIRECTION AND CONTROL		

United States Marshals Service



United States Marshals Service
Salaries and Expenses, U.S. Attorneys and Marshals
Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Supplementals Requested			1981 Appropriation Anticipated		
	Pos.	Wt.	Amt.	Pos.	Wt.	Amt.	Pos.	Wt.	Amt.	Pos.	Wt.	Amt.
1. Witness security....	260	236	\$13,891	...	...	-\$1,519	...	18	\$3,432	260	254	\$16,596
2. Execution of process....	728	828	23,577	-257	-134	-2,713	...	60	2,621	471	754	24,738
3. Security support....	377	332	20,143	...	...	...	...	30	2,099	391	372	23,757
4. Financial support....	156	150	2,544	...	...	...	...	22	144	156	150	2,818
5. U.S. Marshals training.....	9	9	375	...	...	...	...	3	16	9	9	394
6. Handling of federal prisoners.....	706	761	26,917	...	...	...	...	621	1,349	684	743	28,290
7. Supervision of sentenced prisoners.....	67	38	837	...	...	...	...	28	46	67	38	911
8. Executive direction & control.....	44	45	1,474	...	...	...	...	11	107	52	53	1,884
9. Administrative services.....	87	84	4,409	...	...	...	...	31	186	87	84	4,626
Total.....	2,434	2,483	94,167	-257	-134	-4,232	...	108	8,868	5,211	2,177	2,457 104,014

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogramming

The reprogramming of positions, workyears and budget authority reflects the effect of the September 12, 1980 reprogramming notification on the 1981 budget.

Supplementals Requested

1. The pay raise (Executive Order 12248), effective October 5, 1980, as modified by P.L. 96-369, Continuing Appropriations, 1981.
2. The supplemental request for \$8,868,000 and 108 workyears provides for promotions of deputy U.S. marshals, increased cost of standard level user charges (SLUC), funding of additional vehicles, extraordinary details for court and witness security, funds for the phase-out of the service of private process, and increased funding to support essential social services provided protected witnesses. This supplemental funding is proposed to be derived by transfer from the Federal Prison System, "Buildings and Facilities."

U.S. Marshals Service
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Ant.	Perm. Pos.	NY	Ant.	Perm. Pos.	NY	Ant.	Perm. Pos.	NY	Ant.	Perm. Pos.	NY	Ant.	Perm. Pos.	NY	Ant.
Witness security....	251	262	\$13,076	251	265	\$13,230	260	254	\$16,596	260	238	\$16,105	260	238	\$16,379	...	...	\$274
Execution of process & court orders.....	705	710	27,064	705	746	23,244	471	754	24,738	471	701	24,460	443	528	23,112	-28	-173	-1,348
Security support.....	747	427	22,781	747	429	22,790	391	372	23,757	391	342	22,591	391	342	22,591	...	...	...
Financial support services.....	156	149	2,623	156	145	2,587	156	150	2,818	156	150	2,929	156	150	2,929	...	...	...
U.S. marshals training.....	9	11	368	9	10	352	9	9	394	9	9	412	9	9	633	...	...	221
Handling of federal prisoners.....	698	686	26,175	698	723	27,138	684	743	28,290	684	743	29,590	684	743	30,590	...	...	1,000
Supervision of unsentenced prisoners.....	67	25	955	67	35	838	67	38	911	67	38	954	40	38	954	-27	...	...
Executive direction & control.....	52	53	2,013	52	55	2,119	52	53	1,884	52	53	1,946	52	53	1,946	...	...	...
Administrative services.....	87	99	4,409	87	97	4,337	87	84	4,626	87	84	4,835	91	91	5,514	4	7	679
Total.....	2,772	2,422	99,464	2,772	2,505	96,635	2,177	2,457	104,014	2,177	2,358	103,822	2,126	2,192	104,648	-51	-166	826
Other Workyears																		
Holiday.....	4			4			4			4			4			...	...	...
Overtime.....	292			295			390			299			299			...	...	...
Total compensable workyears.....	2,718			2,804			2,851			2,661			2,495			-166		

U.S. Marshals Service

Justification of Program and Performance

Activity Resource Summary

Activity: U.S. marshals	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Witness security.....	260	\$16,596	260	\$16,105	260	\$16,379	...	\$274
Execution of process and court orders...	471	754	471	701	443	528	-28	-173
Security support.....	391	372	391	342	391	342	...	...
Financial support services.....	156	150	156	150	156	150	...	...
U.S. marshals training.....	9	9	9	9	9	9	...	...
U.S. marshals training.....	9	9	9	9	9	9	...	...
Handling of federal prisoners.....	684	743	684	743	684	743	...	...
Supervision of unsentenced prisoners.....	67	38	67	38	40	38	-27	...
Executive direction and control.....	52	53	52	53	52	53	...	...
Administrative services.....	87	84	87	84	91	91	4	7
Total requirements.....	2,177	2,457	2,177	2,358	2,126	2,192	-51	-166
								826

This budget activity provides vital support to the federal government's administration of justice system in the areas of operational support and security assistance to the federal judiciary such as court security, service of process and execution of warrants; protection for key government witnesses; custody and transportation of unsentenced federal prisoners; extracting with local detention facilities for the housing of unsentenced prisoners; and enforcing federal law under the direction of the Attorney General.

Activity: U.S. marshals	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Witness security.....	260	\$16,596	260	\$16,105	260	\$16,379	...	\$274

Long-Range Goal: To administer protection and maintenance services for the Department of Justice protected witness program by providing physical protection, relocation assistance, documentation services, employment services and other necessary assistance to witnesses and potential witnesses and their dependents whose lives are in jeopardy as a result of their testimony against organized crime.

Major Objectives:

To protect endangered witnesses and their families and provide maintenance during the period of protection.

To assure that endangered witnesses may provide their testimony against individuals being tried for organized criminal activities.

To assist the witnesses in becoming self-sustaining through relocation under a new identity.

Base Program Description: This program, authorized by Title V of Public Law 91-452, is responsible for providing security to government witnesses testifying against any person alleged to have participated in an organized criminal activity. Witnesses admitted to the witness security program are provided the necessary physical protection, relocation assistance, re-employment assistance and documentation services following a name change. Around-the-clock protective services are provided by deputy U.S. marshals to witnesses while in a hostile environment and/or upon return to the danger area for pretrial conferences or trial appearances. Protection is also given to relocated witnesses when they are threatened in their new location. Once they are again relocated and are safe, the protection is withdrawn. The protection and administrative support provided to a witness and his/her family frequently exceeds the period of time between the witnesses' first appearance before the grand jury and the culmination of the trial.

Accomplishments and Workload: Accomplishments of the witness security program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Newly accepted witnesses.....	460	327	360	360
Witnesses funded/maintained.....	1,227	1,206	1,394	1,222
Avg. months witnesses are funded.....	12 to 18	12 to 18	12 to 18	15 to 18

During 1980, protected witnesses testified for government prosecutors in such well known trials as the famous Black Tuna, Perceat, Helis Angela I and Church of Scientology trials. Protected witness Joseph Hauser represents the Attorney General's increased priority for cases involving white-collar crime and government corruption in 1980. This protected witness has been produced for testimony against the highest echelons of organized crime in cases involving six major organized crime chiefs and state and federal officials.

Each witness security specialist has been required to successfully complete a four-week training course in witness security prior to assignment to field duties. Social services type requirements have been included in new policy and procedural orders that have been issued to all personnel assigned to the program. Psychology and sociology courses have been included as an integral part of witness security training. In addition, the program manager conducts bi-annual work conferences with field specialists to resolve problem areas, appraise personnel of new policy and management techniques, and ensure continuity of witness services in all sections of the country.

In 1980, the Marshalls Service received 327 new witnesses; reactivated 96 witnesses for funding because of new threats or other reasons; and funded an average of 430 witnesses per month. Additionally, the Service provided a monthly average of 80 protective transportation details for prisoner witness program participants. In 1980, the witness security program provided protection and/or funding for 1,206 principal witnesses, 3,037 persons including family members.

Program Changes: An increase of \$274,000 is requested for the witness security program. These funds are needed to augment and enhance the witness security computerized records system.

A sole use computerized records and financial report system was successfully implemented during 1980. By utilizing a mini-computer the witness security division, beginning October 1, 1980, is now submitting computerized financial reports to the Department of Justice. In previous years these reports were prepared manually involving the summarization of 6,000 reports annually.

To further modernize the records management systems, funds are requested to purchase 15 word and data processing centers, a centralized data information center, a computer records index add-on to the existing mini-computer, and a microfilm retriever system to increase the capability of the existing computer system. The word processing centers would be used by the field officers to prepare required reports. The ADP disks prepared in the field would be sent to the USNS headquarters for direct entry into the mini-computer. This system would save substantial time keying in the report information and improve the accuracy of the ADP data.

Improving the ADP system will also enable field personnel to spend more time on their operational duties. Also, analytical programs will be developed to provide management with various summary information from existing computerized records thereby expanding the scope of the management capabilities.

Over the nine years existence of the witness security program, the Service has accumulated over 1,700,000 reports and correspondence in its files. Every year 250,000 additional records are added to these files. To facilitate a rapid retrieval of information in these files and ensure against possible destruction of the hard copy documentation files by fire, funds are requested to purchase a microfilm retriever system and fire safe file cabinets.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Execution of process and court orders.	471	754	\$24,738	471	701	\$24,460	443	528	\$23,112	-28	-173	-\$1,348

Long-Range Goal: To ensure the timely service of process and execution of warrants; to provide a timely response to all major injunctions; and to ensure that all requests for international extraditions are carried out, as well as assistance to other agencies.

Major Objectives:

To provide timely service of process, court orders and warrants in support of the Judicial Branch.

To initiate criminal investigations and apprehension investigations on all primary responsibility warrants, i.e., parole, probation, escape and bench warrants, and other federal criminal arrest warrants.

To provide enforcement of major injunctions through training of a special operations group (SOG).

To coordinate, fund and implement the extradition of federal fugitives back to the United States.

Base Program Description: The execution of civil and criminal process is a statutory responsibility of the United States Marshals Service in carrying out the orders of the federal judiciary. The Marshals Service is obligated to ensure the timely execution of all lawful precepts directed to it by the U.S. courts, including arrest warrants.

The Attorney General issued a directive, effective October 1, 1979, by which the Marshals Service assumed criminal investigative responsibility for certain federal fugitives, including probation and parole violators, mandatory release violators, bond default fugitives and escaped federal prisoners. This responsibility had been previously assigned to the Federal Bureau of Investigation.

The special operations group provides enforcement of major injunctions, responding to emergency situations such as civil disturbances which violate federal law or endanger federal property.

Accomplishments and Workload: Accomplishments of the execution of process and court orders decision unit are presented in the following table:

Item	Estimates		
	1979	1980	1981
Process received for service.....	916,856	949,264	797,234
Process served.....	728,472	130,751	611,957
Warrants received.....	75,667	77,932	79,082
USMS arrests.....	26,768	27,368	29,361
Property seizures.....	2,172	2,393	3,478
Warrants unserved, end-of-year.....	38,082	37,967	35,411
			52,054

To carry out these duties the Marshals Service: conducted advanced investigative training for enforcement specialists in conjunction with the Department of Justice, Criminal Division, and representatives of the Federal Bureau of Investigation; completed operational and administrative guidelines with implementation procedures; established a mechanism for coordination with the Bureau of Prisons; established a headquarters case monitoring system; initiated representation to INTERPOL and EPIC

(El Paso Intelligence Center); and established a 20-man immediate response team. Special emphasis was placed on those fugitives with histories of violence, organized crime connections, or habitual violent criminal activity. In the first twelve months of the new program, 14,000 such cases were received and approximately 10,000 of these fugitives were arrested.

The enforcement operations program has produced an impressive record of other accomplishments. For example, the stated value of property seized by the Marshals Service in 1980 totalled \$7,000,000,000, with Marshals-conducted sales of over \$1,000,000,000. International extraditions of fugitives numbered 48, and security assistance was provided for 1,000 movements of nuclear weapons.

In 1980, elements of the special operations group were utilized in providing security for Congressional hearings; security, tactical intelligence, and confrontation management techniques during expulsion of Iranians from the United States; judicial security and training for San Juan, Puerto Rico, Police Department during VIII Pan American games; assistance in preparation of security plans for the Winter Olympics; removal of dissidents from Island of Vieques, Puerto Rico, per court order; internal security for the Cuban "Plotilla" at Miami, Key West and Eglin Air Force Base; and tactical law enforcement training for Knoxville, Tennessee, Police Department in preparation for an International World's Fair.

Program Changes: An increase of \$425,000 will provide funding for replacement of aging radio equipment. An additional \$75,000 is requested to establish an informant fund to support the warrant program. This fund will assist in establishing a larger pool of informants to provide necessary warrant investigative leads during criminal investigations and apprehension investigations. Valuable information, purchased by these informant funds, will expedite the investigative process and result in more felony arrests. The number of fugitive criminal investigations completed and presented to U.S. Attorneys for prosecution will increase.

In accordance with Presidential/Congressional actions during 1981 to reduce activity in the area of service of private process (257 positions and \$2,713,000), 1982 funding has been decreased an additional \$1,451,000. The Department of Justice intends to submit legislation to relieve the Marshals Service of the legal responsibility for the service of private process. In addition, savings of \$397,000 are projected to result from the increased emphasis on the service of process by certified mail.

A proposed decrease will amend the code of the District of Columbia to relieve the Marshals Service of the responsibility for serving the Superior Court of the District of Columbia. A legislative change is requested to support the Administration's stated policy of promoting self-government for the District of Columbia wherever possible. The total decrease is 88 positions and \$3,855,000 of which 20 positions and \$878,000 are associated with this program.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Security support.....	391	372	\$23,757	391	342	\$22,591	391	342	\$22,591	...	...

Long-Range Goal: To establish and maintain completely secure facilities at all places where federal judicial business is conducted, and to eliminate fear of retribution or bodily harm to federal judicial officers, employees and judicial system participants.

Major objectives:

To assess the requirements for security personnel and systems required at each judicial facility location.

To enhance security in court facilities to enable compliance with statutorily mandated requirements.

To provide a sufficient force of personnel to insure the personal safety of threatened individuals to whatever extent required.

To insure continuous maintenance and upgrading of security equipment and systems compatible with the latest state of the art.

Base Program Description: Determination of physical security needs is accomplished by on-site technical evaluation by court security inspectors in coordination with marshals, the judiciary and representatives of the General Services Administration (GSA). In seventy-eight (78) of the ninety-five (95) districts, one or more judges have issued court orders requiring deputies in all sessions of court--civil and criminal. In the case of sensitive trials requiring personnel beyond local district capability, deputy U.S. marshals from other districts are called in. Personal security, particularly of federal judges and attorneys at places of work and their residences, is provided by the deputy U.S. marshals augmented by the temporary hire of local off-duty police and guards.

A proposed decrease will amend the Code of the District of Columbia to relieve the Marshals Service of the responsibility for serving the Superior Court of the District of Columbia. A legislative change is requested to support the Administration's stated policy of promoting self government for the District of Columbia wherever possible. The decrease is 88 positions and \$3,855,000 of which 45 positions and \$1,975,000 are associated with this program.

Accomplishments and Workload: Accomplishments of the security support program are presented in the following table:

Item	Estimates	
	1981	1982
Security surveys, inspections and systems reviews and designs.....	100	120
Number of judges and magistrates served by deputies.....	686	890
Number of personal security missions adequately serviced.....	72	156
	175	175

Since the transfer of the Judicial Facility Security program responsibilities from the Administrative Offices of the U.S. Courts in 1980, the number of clients (judges and magistrates) served has significantly increased. On-site examinations of the effectiveness of General Services Administration and United States Postal Service guards and security systems installation and maintenance projects have resulted in a 10 percent reduction of guard positions funded. The operational status of installed security equipment has been improved through facility inspections.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Anticipated			Perm.			Perm.			Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	WY	Amount

Financial support services..... 156 150 \$2,818 156 150 \$2,929 156 150 \$2,929

Long-Range Goal: To disburse funds in payment of fact witnesses, protected witnesses, to local jail administrators for housing prisoners, for court reports, and for various expenses incurred by the Marshals Service and U.S. attorneys in conducting official business; collect funds for services rendered and from the sale of seized property, and to record and report these transactions.

Major Objectives:

- To disburse funds in a timely and efficient manner for all legal debts incurred.
- To collect and deposit all funds due the United States for services rendered to the public, refunds and reimbursements.
- To account for all transactions in a timely and accurate manner to the Treasury, Department of Justice, and management of the Marshals Service.

Base Program Description: This program is responsible for the collection and disbursement of funds and related accounting functions. These functions are performed by the 95 district offices in accordance with General Accounting Office, Treasury, Department of Justice and statutory regulations. The Marshals Service is responsible for disbursing funds, certifying vouchers and preparing accounting reports for the Marshals Service and the U.S. attorneys as well as the Fees and Expenses of Witnesses and Support of U.S. Prisoners appropriations in an accurate and timely fashion. The U.S. marshal performs the unique service of disbursing funds directly to recipients for client agencies without going through the Treasury disbursing centers. For 1982, no new resources are requested for this program.

Accomplishments and Workload: Accomplishments and the anticipated workload of the financial support services program are presented in the following table:

Item	1979		1980		Estimates			
					1981	1982		
						Perm.	WY	Amount
Checks issued.....		207,000		214,800			215,000	215,000
Vouchers certified at headquarters.....		1,500		1,500			1,500	1,500
Vouchers certified in the field.....		107,000		115,500			116,000	116,000
Monthly reports.....		9,120		9,120			9,120	9,120
1981 Appropriation								
		Anticipated			1982 Base		1982 Estimate	
					Perm.	WY	Amount	Increase/Decrease
					Pos.			Pos.
	9	9	\$394	9	9	\$412	9	\$633
U.S. marshals training.....							...	...
							...	\$221
Long-Range Goal: To improve productivity and ensure effective, professional performance of Marshals Service personnel in the accomplishment of the Service's mission.								

Long-Range Goal: To improve productivity and ensure effective, professional performance of Marshals Service personnel in the accomplishment of the Service's mission.

Major Objectives:

To provide basic operational training for 55 employees.

To provide advanced operational training for 225 employees.

To provide management training for 90 supervisory deputy U.S. marshals (DUSMs).

To provide financial management training for 22 chief deputy U.S. marshals/accounting clerks.

To provide specialized training for witness security inspectors and community detention/enforcement specialists.

To inspect and repair approximately 500 weapons.

Base Program Description: Internal training is conducted at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. Courses range from one to eight weeks in length, depending on the course taken. The internal training program offers training to employees in basic as well as specialized knowledge, skills, and abilities necessary to perform a full range of duties. Instructors work closely with program managers and staff officers in revising existing subjects and in developing new curricula so that the training provided is consistent with operational and administrative program emphasis and priorities. Operational trainees, in addition to other skills and job knowledge provided, have their assigned weapons inspected and repaired if necessary by the armorer, who also serves as range officer. The armorer also provides maintenance for all weapons in the field.

Accomplishments and Workload: Accomplishments of the training program are presented in the following table:

Item	Estimates			
	1979	1980	1981	1982
Number of students:				
Basic DUSM training.....	111	132	140	-0-
Basic criminal investigator training.....	185	104	110	-0-
Advanced DUSM training.....	76	...	168	120
DUSM management training.....	...	...	...	90
DUSM/account clerks financial mgmt training..	...	25	24	22
300 basic training.....	...	...	...	55
300 advanced training.....	...	...	...	105
Witness Security Inspectors training.....	...	28	...	24
Community detention/enforcement training....	88	24	...	24
DUSM seminar.....	...	93	...	...
All other training.....	...	204	96	...

In 1980, the Advanced Enforcement Specialists Training School was implemented to meet training needs for the Service's newly acquired investigatory mission. In addition, middle management training for chief deputies, and financial management for chief deputies and accounting clerks, were revised and updated.

Overall management of course subject matter was improved through the development and implementation of packaged training modules used in the basic, advanced, supervisory, and some specialists training courses.

Analysis of the criminal investigator training program and basic and advanced deputy training indicated positive job-relatedness for 95% of the overall curriculum, resulted in expanding the curriculum in two of the three schools, and provided a "knowledge, skills, and abilities" (KSA) assessment inventory for each subject.

Program Changes: An increase of \$221,000 is requested to fund non-basic training conducted at Federal Law Enforcement Training Center (FLETC) in Glynn, Georgia. In 1982, the current FLETC policy to reimburse participating agencies for approximately 90% of all students trained will no longer be in effect. Reimbursement from the training center will include basic training students only. Included in non-basic training which the Marshalls Service will be required to fund in 1982 are the following courses: advanced DUSM training, supervisory DUSM management training, chief DUSM/clerk financial management training, witness security inspectors training and enforcement specialists training.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	Amount	Perm.	Amount	Perm.	Amount
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Handling of federal prisoners.....	684	743 \$28,290	684	743 \$29,590	684	743 \$30,590	...	...
								\$1,000

Long-Range Goal: The primary goal of this program is to ensure expeditious, economical, and secure methods for the custody, receipt, processing and transportation of federal prisoners.

Major objectives:

To receive into custody, process and transport all prisoners remanded or ordered into custody by the U.S. courts.

To implement a nationwide prisoner movement network in order to develop economical, balanced transportation systems.

Base Program Description: The handling of federal prisoners program is responsible for the transportation and movement of federal prisoners and for receiving and processing federal prisoners.

The transportation and movement of prisoners is accomplished through methods determined to be most economical, timely and efficient. The development and implementation of the National Prisoner Transportation System (NPTS), which provides for federal prisoner movement by air, has resulted in a reduction in the average cost for prisoners moved under time constraints and has demonstrated a capacity of personnel savings. A ground feeder system, consisting of buses and vans, supports the aircraft activity. Costs for the NPTS aircraft are shared with the Bureau of Prisons (BOP). Almost all prisoner trips for both agencies are coordinated centrally by the Prisoner Coordination Division to maximize utilization and reduce costs.

The receipt and process of prisoners is a record-keeping effort performed by each district office. It encompasses such functions as the physical search, fingerprinting and photographing of the prisoner, inventory of personal property, establishing custody/data records, etc., while maintaining secure custody of the prisoner. Prisoners are moved to and from courts and contract jails on a daily basis within each district in accordance with court calendars, and transported to other designated locations for service of sentence, pre-sentence study and observation, testimony, transfer and further court proceedings as required. In order to minimize the drain on staff, overtime and transportation costs, the Service attempts to obtain detention space for federal prisoners in contract facilities located in the estimated 150 federal court cities.

A proposed decrease will amend the Code of the District of Columbia to relieve the Marshals Service of the responsibility for serving the Superior Court of the District of Columbia. A legislative change is requested to support the Administration's stated policy of promoting self government for the District of Columbia wherever possible. The decrease is 88 positions and \$3,855,000 of which 23 positions and \$1,002,000 are associated with this program.

Accomplishments and Workload: Accomplishments of the handling of federal prisoners program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Number of prisoners received and processed.....	85,720	79,421	80,000
Number of prisoners handled.....	259,460	263,000	265,500
Number of prisoners moved.....	68,610	72,215	71,900
Number of trips completed.....	15,737	16,973	16,370
Cellblocks upgraded.....	3	3	5

The NPTS was fully operational during 1980, utilizing aircraft leased from the private sector and augmented, when necessary, with limited flight hours provided by inter-agency aircraft.

In 1980, NPTS used a 50-passenger commercial aircraft over dedicated national east-west routes on a weekly basis for eight months and on a biweekly basis for four months. An aviation operating manual was published providing operating policies and procedures for handling prisoners on NPTS airlifts and the ground feeder system (bus, van, and government automobile). A cabin crew training course on the safe handling of prisoners aboard aircraft was developed, published, and implemented for US98 deputies participating in flight operations. The hours expended in the use of deputies as cabin crew members was offset by eliminating deputies as security personnel on BOP buses.

In addition to the fact that numbers of prisoners moved in 1980 exceeded those moved in 1979 by 5 percent, NPTS airlift movements in 1980 resulted in significant reductions in regular and overtime hours (the reduction equating to 49.4 workyears); in the average cost of prisoners moved by air (NPTS \$167 v. commercial air \$676); and in an overall reduction in the use of commercial air for the movement of prisoners. A manual management information system was established to collect, evaluate, and apply data pertaining to the cost-effectiveness of transportation modes and procedures available to NPTS; as a result, there was better management control of program costs than was previously possible. As indicated by the cost data, the Marshalls Service has started developing a program to acquire agency-owned aircraft through excess property procedures. The owned-aircraft operating cost per hour is estimated to be one-half the cost of the current leased aircraft. The lower flight-hour cost would allow expansion of air routes to districts and institutions not within the cost-effective range of leased aircraft.

In 1980, the Service took into detention 79,421 individuals arrested for violations of federal laws, a decline of 7 percent over the number received in 1979. Of those persons originally received, nearly 72,100 were detained in custody (\$7,500 at contract facilities and 14,600 in federal institutions). The average number of occasions a prisoner was removed from a detention facility for court actions, medical care, or transfer to another jail, increased from 3.0 to 3.3 times per prisoner (an increase of 10 percent). Even though the number of prisoners received declined, the increase in the number of federal judges and magistrates, decentralization of courts into smaller cities, and the loss of critically needed local government jail space close to the courts, have forced district personnel to expend 47 percent more manhours in 1980 than in 1979 for within district movement of prisoners. As a result, almost all the manpower savings realized by improvements in the long-distance transportation of prisoners were diverted to the receipt and process function.

New and revised orders and directives relating to prisoner handling continued to be issued during 1980 to establish more uniform procedures and standards. Field office surveys of prisoner records management were completed and incorporated into the preliminary development of Marehalski Service requirements for an automated prisoner management information system.

Program Changes: The \$1,000,000 program increase will provide for the acquisition and operation of surplus government aircraft needed to expand the NRTS aircraft capacity. Marshals Service owned and operated passenger aircraft would provide for the operation of concurrent East/West routes with resultant flexibility, increased services, and backup capability. Almost all prisoners requiring time sensitive transport could be moved via the NRTS aircraft, thereby reducing the need for time sensitive transport by commercial air. Savings realized by more efficient, timely transportation of prisoners will be utilized to support the receipt and processing function.

[illegible]

Supervision of unsentenced prisoners....	67	38	\$911	67	38	\$954	40	38	\$954	-27	...
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Long-Range Goal: To acquire and maintain sufficient and acceptable detention space for federal prisoners in non-federal facilities at the most favorable cost to the government.

Major objectives:

To contract for sufficient jail space for 60,000 federal prisoners in metropolitan areas near 154 federal courts, thereby reducing manpower requirements for daily handling of prisoners.

To improve the conditions of confinement and levels of inmate services afforded to all prisoners held in federally contracted detention facilities.

To pursue the establishment of a federal strategy and the implementation of a federal action plan for housing unsentenced federal prisoners in facilities in compliance with proposed federal detention standards.

To reduce the number of inmate complaints, civil suits and court orders generated due to substandard conditions of confinement in contract facilities by 50% by 1985.

To perform required pre-award and post-award inspections of 800 contract facilities,

To identify contract facilities with substandard conditions of confinement and to design and implement improvement projects which will provide technical, managerial, financial and equipment assistance for major use facilities under court order.

To expand the number of contracts available for the housing of juveniles and women, including undocumented aliens in all southern border states.

To compile a profile of contract jail facilities as field personnel perform pre-award and post-award inspections.

Base Program Description: The Marshala Service conducts contract management activities (contract negotiation, administration, and settlement or termination of contracts and agreements) for the housing of federal prisoners. Detention, medical and guard contracts are initiated and awarded upon the identification and substantiation of a federal need. Field office inspectors serve as contracting officer representatives to perform pre-contract and post-contract award facility inspections. Based upon the findings of the pre-award inspection, which measures a jail's physical and program capabilities against national detention standards, a formal contract is prepared and awarded by the headquarters' contracting officer. Each contract is individually structured to reflect only those services within the jail's capability. Cost analyses are performed on the facility's operating expenses to determine a reasonable jail day rate. Monitoring inspections are conducted periodically by field personnel to ensure contracted services are being received by federal prisoners.

Complaints received concerning prisoners detained in contract facilities are investigated by district inspectors and complaints are resolved through discussions with jail administrators and inmates. The Marshala Service receives numerous requests for technical assistance for contract jails; however, the limited staff resources in the field and at headquarters have severely restricted USMS response capability. Emphasis has been placed on providing technical assistance to major use jails in metropolitan areas.

This program will have the added responsibility of administering the \$3,000,000 Cooperative Agreement Program of the Support of United States Prisoners appropriation in 1982.

Accomplishments and Workload: Accomplishments of the Supervision of Unsentenced Prisoners program are presented in the following table:

Item	1979	1980	1981	1982
Complaints received.....	10,000	10,000	14,000	20,000
Complaints processed.....	5,000	7,000	7,000	7,000
Jail inspections performed.....	563	290	290	290
Contracts written or modified.....	288	712	725	725
Contracts in force.....	800	800	800	800

During 1980, a USMS inspection manual was completed and the inspection report format was expanded to become a more comprehensive audit of a contract facility. In addition to a physical survey of the facility, emphasis was placed on qualitative evaluation of inmate services and programs and their relationship to established standards.

In view of the growing jail crisis, the Service has developed a Cooperative Agreement Program (CAP) for providing financial assistance to improve substandard jails used by federal prisoners. The gravity of the situation is highlighted by the

results of a 1980 survey to update the listing of contract jails under federal court order due to substandard conditions of confinement. It revealed that the number of jails under court order increased by 79 percent (from 33-59) over the 1979 level.

Negotiations were completed in 1980 with the National Institute of Corrections (NIC) and the American Medical Association (AMA) for specialized training for field personnel in jail medical program requirements. This training will enable USMS inspectors to instruct local jails in developing or improving medical programs for their facilities.

Program Change: A reduction of 27 positions for this program has been effected to eliminate unfilled positions, and to bring positions in line with workyears for this activity.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	Anticipated		Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount		Amount
Executive direction and control.....	52	53	\$1,884	52	53	\$1,946	52	53	\$1,946	...	...

Long-Range Goal: To provide executive level policy guidance to effectively manage and coordinate the operations of the 95 district offices in the areas of witness security, execution of process and court orders, handling of federal prisoners, security support and supervision of unsentenced prisoners.

Major Objectives:

To continue to provide overall policy guidance to the headquarters, field operational and administrative staffs.

To evaluate program resources utilization and accomplishment of goals.

To assure the Director, and top management officials as well as the Department of Justice, the public and other law enforcement agencies that the Service is operating efficiently and effectively and that strong and vigorous steps are being taken to maintain the highest levels of integrity, loyalty, and conduct among Service personnel.

To examine and determine the adequacy and effectiveness of administrative, financial, and operational management of the various functions and duties of the U.S. Marshals' office.

Base Program Description: This unit provides executive level management support through the definition of national goals, the promulgation of policy and the performance of program analysis and evaluation.

Accomplishments and Workload: Some accomplishments of the executive direction and control decision unit are presented below:

Item	1979		1980		1981		1982	
	Perma.	NY	Perma.	NY	Perma.	NY	Perma.	NY
Public information responses.....		14,000		14,000		14,000		14,000
Internal audits.....		39		50		50		50
Privacy Act responses.....		300		600		600		600
Misconduct allegations investigated by headquarters.....		126		132		132		132

Significant organizational changes recommended and implemented in 1980 included streamlining of function - authority by placing responsibility for Legal and Personnel Programs under the newly established Assistant Director for Legal and Personnel Programs. Significantly, the detention facility contracting activity now falls under this area. In addition, administrative functions were consolidated under responsibility of the Assistant Director for Planning, Budget and Administration.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perma.	NY	Perma.	NY	Perma.	NY	Perma.	NY
Administrative services.....	87	\$4,626	87	\$4,835	91	\$5,514	4	7
								\$679

Long-Range Goal: This decision unit provides specialized management support functions that are organized to minimize the time spent by managers on administrative matters, to ensure consistency in the application of Departmental and USMS policies and procedures, and to provide stringent control for those management activities contained within these programs.

Major Objectives:

- To provide effective and efficient personnel management;
- To ensure that the Service has an effective and responsible EEO program;
- To maximize compliance with minimum health and safety standards;
- To provide adequate administrative support;
- To design, implement and update effective accounting procedures and systems;
- To fully implement the USMS Affirmative Action Plan;

To secure and effectively manage an adequate motor vehicle fleet;
 To fully support district equipment requirements; and
 To develop an overall USMS ADP and telecommunications system plan.

Base Program Description: This decision unit provides administrative services to support all the decision units of the Service. Essential services provided by these programs include ADP management, accounting and financial analysis, personnel, EEO and general services support.

Accomplishments and Workload: Accomplishments of the administrative services programs are presented below:

Item	1979	1980	Estimates	
			1981	1982
Merit promotion announcements.....	150	120	100	125
Procurements.....	2,900	2,800	2,900	2,900
JUST teletype messages.....	24,000	26,000	26,000	26,000
EEO investigations.....	20	10	14	14
Personnel actions.....	N/A	6,300	6,300	6,300
Employment applications.....	N/A	2,500	2,500	2,500
Employee relations actions.....	N/A	900	900	900

The ADP management support staff accomplished the following work in 1980, its first full year of operation. The staff implemented the case management segment of the witness security system and a system to produce statistics on warrants from National Crime Information Center data. Also the ADP staff completed a detailed requirements study of the prisoner handling and transportation functions and an employee position control system to monitor allocated personnel resources by organization. In addition, work began on a Service-wide information requirements survey, a long-range effort to upgrade the telecommunications network supporting the Service, and a project to enhance the USM Form 6 and 7 reporting systems to provide workyear projections.

In 1980, a total of 475 mobile radios were procured by the Service, the special operations group (SOG) communications system was entirely replaced, and the teletype and facsimile transmission systems were expanded to include all district offices outside the continental United States. Significant savings continue to be realized as a result of the radio specifications and standards program developed jointly with the National Bureau of Standards. These mobile radios interface with local and state law enforcement agency systems, setting up a communications network which can be used during emergencies. Federal warrants entered into the National Crime Information Center by the Service exceeded 7,000 for 1980, a further indication of the growing role of the Marshals Service within the law enforcement community.

During 1980, two affirmative action plans were developed: the general affirmative action plan and the affirmative action plan for handicapped persons and disabled veterans. Both plans were developed to provide for a cohesive, results-oriented program of promoting full utilization of skills, upward mobility, community outreach, recruitment, and employee recognition.

Program Changes: Four positions and \$679,000 are requested for the administrative services programs. These resources will be used to develop a multi-purpose ADP system, improve the merit promotion system, expand the affirmative action program and enhance the network communication system throughout the Service.

In order to participate in a coordinated Departmental effort, three positions and \$473,000 are requested for development of an on-line computer control system for prisoner population monitoring and accounting, and contract jail billing administration, which will be interfaced with other similar systems administered by BOP and the U.S. Parole Commission. The ADP system will establish an integrated data base to record information on the status of offenders under the custody of the Attorney General. Its objective is to eliminate redundant data collected by BOP, Marshals Service and the U.S. Parole Commission. The Marshals Service will be the initial organization to input data in the system when a prisoner is received and processed. Acquisition of the multi-purpose terminals for the prisoner monitoring system will also facilitate the development of other ADP systems in the areas of financial management, vehicle utilization, monitoring warrant investigations and case management and transportation of prisoners.

To improve the merit promotion system, the Office of Personnel Management has been requested to develop an assessment center system and written evaluation tests. This project will be completed in early 1982. To implement the promotion evaluation test system two other than full-time permanent positions are requested. These tests will establish a systematic method for evaluating job applications thereby improving the fairness in the merit promotion system and enhance the general morale.

In recent years the "state of the art" for network communications has become more complex including methods for integrating federal, state and local communication systems. A trained technical person is required to coordinate a radio feasibility survey, purchase and maintain communication equipment, maintain equipment inventories and further integrate the network communication with state and local communication systems. One position is requested to provide the technical expertise to handle these functions and assist in developing a long-range policy for the purchase and maintenance of radios.

U. S. Marshals Service
Priority Ranking of Programs

<u>RANKING OF BASE PROGRAMS</u>		<u>RANKING OF PROGRAM INCREASES</u>	
<u>RANKING</u>	<u>PROGRAM</u>	<u>RANKING</u>	<u>PROGRAM</u>
1	SECURITY SUPPORT	1	WITNESS SECURITY
2	WITNESS SECURITY	2	HANDLING OF FEDERAL PRISONERS
3	HANDLING OF FEDERAL PRISONERS	3	EXECUTION OF PROCESS AND COURT ORDERS
4	EXECUTION OF PROCESS AND COURT ORDERS	4	U.S. MARSHALS TRAINING
5	SUPERVISION OF UNSENTENCED PRISONERS	5	ADMINISTRATIVE SERVICES
6	FINANCIAL SUPPORT SERVICES		
7	U.S. MARSHALS TRAINING		
8	EXECUTIVE DIRECTION AND CONTROL		
9	ADMINISTRATIVE SERVICES		

U.S. Marshals Service
Salaries and expenses
Financial Analysis - Program Increases/Decreases
(Dollars in thousands)

Item	Mit. Security Pos.	Exec. of Proc. & Ct. Orders Pos.	USM Training Pos.	Handling of Fed. Pris. Pos.	Supervision of Unsent. Pris. Pos.	Administrative Services Pos.	Total Pos.
Grades							
GS-12.....	2	2
GS-09.....	2	2
GS-05.....	...	-28	...	...	-27	...	-55
Total positions and annual rate...	...	-28	...	...	...	4	91
Lapse (-).....	...	-118	...	...	...	...	-6
Other than permanent full-time...	3	30
Other personnel compensation.....	-15
Total workyears and personnel compensation.....	...	-146	...	...	...	7	115
Personnel benefits.....	13
Travel & transportation of persons.....	46
Transportation of things.....	1
SUC.....	7
Comm., utilities & other rent.....	195
Other services.....	289
Supplies and materials.....	2
Equipment.....	1
Total workyears and obligations, 1982.....	...	-146	...	...	-27	7	679
			221	1,000			826

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Legislative Proposal, Fiscal Year 1982

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Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Appropriation Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Appropriation</u>
Request pending.....	6,793	\$307,116
Legislative proposal.....	-314	-13,001
Revised Request.....	6,479	294,115

Explanation of Request

The intent of the President is to establish an autonomous judicial system in the government of the District of Columbia (D.C.) by granting it full authority over the prosecution of violations of the laws of D.C., the custody of prisoners convicted of local violations, and the security of D.C. Superior Court, analogous to the authority vested in a State, and thereby relieve the Federal Government of the responsibilities which are essentially local in nature.

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Summary of Requirements
(Dollars in thousands)

	1982 Request		1982 Revised Request	
	Permanent Positions	Work-Years	Permanent Positions	Work-Years
1982 Request.....	6,793	6,756	6,793	6,756
Legislative proposal:				
D.C. Superior Court.....	-314	-302	-314	-302
1982 Revised request.....	6,479	6,454	6,479	6,454
	1982 Request Pending		1982 Legislative Proposal	
	Permanent Positions	Work-Years	Permanent Positions	Work-Years
1982 Estimates by budget activity and program				
1. U.S. attorneys				
Criminal litigation.....	2,467	2,410	2,226	2,218
Other.....	2,033	1,970	-226	-218
Subtotal.....	4,500	4,380	...	...
2. Bankruptcy matters.....	167	184	...	...
3. U.S. marshals				
Execution of process and court orders..	443	528	-20	-19
Security support.....	391	342	-45	-43
Handling of federal prisoners.....	684	743	-23	-22
Other.....	608	579	...	...
Subtotal.....	2,126	2,192	-88	-84
Total.....	6,793	6,756	-314	-302

Legal Activities

Salaries and Expenses, U.S. Attorneys and Marshals

Justification of Requirements
(Dollars in thousands)

	1982 Request Pending		1982 Legislative Proposal	
	Perm Pos.	Amount	Perm Pos.	Amount
Item: Support provided the District of Columbia Superior Court.....	314	\$13,001	-314	-\$13,001

Legislation will be proposed to establish an autonomous judicial system in the government of the District of Columbia (D.C.) by granting the D.C. government full authority over the prosecution of violations of local laws, the custody of prisoners convicted of local violations and providing for the security of the D.C. Superior Court. The legislation will relieve the Federal Government of responsibilities of local concern. The legislative change is requested to support the Administration's stated policy of promoting self-government for D.C. whenever possible.

Activity: U.S. Attorneys..... 226 \$9,146 -226 -\$9,146

In the D.C. Court Reform and Criminal Procedure Act of 1970, the Congress expressly assigned to the Office of the United States Attorney responsibility and authority for prosecution of all D.C. felony offenses and most serious misdemeanor offenses. The D.C. Corporation Counsel was restricted to handling juvenile offenses, traffic offenses, disorderly conduct violations and other matters in the nature of local police regulations. Legislation would establish an office within the D.C. government which will be responsible for the prosecution of violations of D.C. criminal laws and the general responsibility of the U.S. Attorney in this regard would be abolished.

Activity: U.S. Marshals..... 88 \$3,855 -88 -\$3,855

The primary advantage of the legislative proposal to the U.S. Marshals Service (USMS) is the elimination of the sheriff functions now performed by Deputy U.S. Marshals (DUSH) within D.C. The nature of these duties performed in support of the Superior Court is not the same as the traditional duties of the USMS in the other 94 judicial districts. The local duties required by DUSHs include serving landlord tenant summons; supervising evictions, executing local process including garnishments and attachments; domestic, juvenile, and petty crime cases; handling a high volume of local criminal offender and court security. Legislation would establish an office within the D.C. government which will be responsible for the sheriff functions of local concerns and the general responsibility of the USMS in this regard would be abolished.

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Financial Analysis--Program Changes
(Dollars in thousands)

Item	U.S. Attorneys		U.S. Marshals		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS/GM-13.....	-1	-\$42	...	...	-1	-\$42
GS-12.....	-1	-35	-1	-\$25	-2	-60
GS-11.....	-3	-88	-3	-62	-6	-150
GS-10.....	-1	-27	...	...	-1	-27
GS-9.....	-6	-145	-51	-869	-57	-1,014
GS-8.....	-6	-131	...	...	-6	-131
GS-7.....	-17	-336	-18	-251	-35	-587
GS-6.....	-38	-675	...	...	-38	-675
GS-5.....	-25	-399	-15	-168	-40	-567
GS-4.....	-14	-199	...	...	-14	-199
GS-3.....	-3	-38	...	...	-3	-38
GS-2.....	-1	-12	...	...	-1	-12
Ungraded.....	-110	-4,986	...	...	-110	-4,986
Total positions and annual rate.....	-226	-7,113	-88	-1,375	-314	-8,488
Lapse (-).....	14	443	4	69	18	512
Other than full-time positions.....	-6	-133	...	...	-6	-133
Other personnel compensation.....	-1	-35	-32	-900	-33	-935
Total workyears and personnel compensation....	-219	-6,838	-116	-2,206	-335	-9,044
Personnel benefits.....		-625		-170		-795
Travel and transportation of persons.....		-21		-1,019		-1,040
Transportation of things.....		-4		...		4
Standard level user charges.....		-492		-200		-200
Communications, utilities and other rent.....		-16		-100		-592
Printing and reproduction.....		-956		-100		-16
Other services.....		-57		-84		-1,056
Supplies and materials.....		-127		...		-121
Equipment.....		...		...		-127
Insurance claims and indemnities.....		...		...		-6
Total workyears and obligations, 1982.....	-219	-9,146	-116	-3,855	-335	-13,001
Obligated balance, start-of-year.....						-13,001
Obligated balance, end-of-year.....						850
Outlays.....						-12,351

DEPARTMENT OF JUSTICE
Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE

Legal Activities

Salaries and Expenses, U.S. Attorneys and Marshals

Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N7	Salaries and expenses, U.S. Attorneys and Marshals..	\$307,116,000	-\$15,910,000	\$291,206,000

The 1982 Authorization bill has been prepared by the Department and is awaiting approval. The amount of the final authorization will be affected by enactment of several legislative proposals by the Congress.

One legislative proposal will be presented to the Congress to amend the Bankruptcy Reform Act of 1978 (11 U.S.C. § 15, 28 U.S.C. § 39), which established the pilot U.S. Trustee's program. Another proposal relates to the discontinuation of the service of private process by the U.S. Marshals Service. The current Administration is reviewing the previous Administration's proposal to transfer responsibility for providing services to the District of Columbia Superior Court from the U.S. Attorneys and U.S. Marshals to the District Government.

Legal ActivitiesSalaries and Expenses, U.S. Attorneys and MarshalsSummary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	6,793	6,756	\$307,116
Proposed amendment.....	-520	-448	-15,910
Revised request.....	6,273	6,308	291,206

Explanation of Request

This amendment reduces the 1982 request for non-priority U.S. Attorneys litigation, eliminates U.S. Marshals' presence at non-dangerous civil trials, and eliminates the pilot U.S. Trustees program.

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals

Summary of Requirements
(Dollars in thousands)

Comparison by activity	1982 Request Pending		1982 Proposed Amendment		1982 Revised Request	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
1. U.S. Attorneys.....	4,500	4,380 \$194,804	-195	-132 -\$4,894	4,305	4,248 \$189,990
2. Bankruptcy matters.....	167	184 7,584	-167	-177 -7,314	...	7 270
3. U.S. Marshals.....	2,126	2,192 104,643	-158	-139 -3,702	1,968	2,053 100,946
Total Requirements.....	6,793	6,756 307,116	-520	-448 -15,910	6,273	6,308 291,206

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals

Justification of Requirements
(Dollars in thousands)

Activity: U.S. Attorneys	1982 Request Pending			1982 Proposed Amendment			1982 Revised Request		
	Permi. Pos.	WY	Amount	Permi. Pos.	WY	Amount	Permi. Pos.	WY	Amount
Federal appellate activity...	353	345	\$15,059	-10	-6	-\$200	343	339	\$14,859
Criminal litigation.....	2,467	2,410	104,606	-65	-41	-1,386	2,402	2,369	103,220
Civil litigation.....	1,572	1,523	61,658	-100	-70	-2,216	1,472	1,453	59,442
Litigation support activity..	25	25	2,308	...	...	...	25	25	2,308
Executive direction and control.....	28	28	1,173	...	...	...	28	28	1,173
Administrative services.....	55	49	10,080	-20	-15	-1,092	35	34	8,988
Total, U.S. Attorneys.....	4,500	4,380	194,884	-195	-132	-4,894	4,305	4,248	189,990

The proposed reduction for the U.S. Attorneys' revised 1982 request is a result of the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. The proposed Administration reduction will be for nonpriority U.S. Attorneys litigation. Specifically, the reduction of 195 positions consists of the withdrawal of previously requested position increases for debt collection activities and the caseload management project, and a decrease of 112 unfilled authorized positions for litigation programs.

Activity: Bankruptcy matters	1982 Request Pending		1982 Proposed Amendment		1982 Revised Request	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Administration of cases.....	150	165	-150	-158	...	7
Executive direction and control.....	17	19	-17	-19	...	...
Total, Bankruptcy matters...	167	184	-167	-177	...	7

The proposed reduction for the U.S. Trustees revised 1982 request reflects the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. The proposed reduction will eliminate the U.S. Trustees pilot program which has the responsibility for administering bankruptcy cases in 18 judicial districts. The funds requested for 1982 will enable the U.S. Trustees to phase out personnel employed at the beginning of the fiscal year. Legislation will be proposed to the Congress by the Administration to amend the Bankruptcy Reform Act of 1978, which established the pilot U.S. Trustees program.

Activity: U.S. Marshals	1982 Request Pending		1982 Proposed Amendment		1982 Revised Request	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Witness security.....	260	238	-2	-2	258	236
Execution of process and court orders.....	443	528	-2	-2	441	526
Security support.....	391	342	-135	-120	256	222
Financial support services....	156	150	...	...	156	150
U.S. marshals training.....	9	9	...	...	9	9
Handling of federal prisoners.	684	743	...	...	684	743
Supervision of unsentenced prisoners.....	40	38	...	...	40	38
Executive direction and control.....	52	53	-9	-7	43	46
Administrative services.....	91	91	-10	-8	81	83
Total, U.S. Marshals.....	2,126	2,192	-158	-139	1,968	2,053

100,946

The proposed reduction for the U.S. Marshals Service (USMS) revised 1982 request reflects the Administration's intention to reduce federal employment under the President's Program for Economic Recovery. The proposed reduction will eliminate court security protection provided by the USMS at non-dangerous civil trials.

Resource reductions in the Witness Security and Execution of Process and Court Orders programs were made by the USMS to reduce administrative overhead of these operational programs. Additional personnel reductions in the Executive Direction and Control and Administrative Services programs recognize the reduced level of support required at headquarters as a result of field personnel reductions taken in 1981 and proposed for 1982.

Legal Activities
Salaries and Expenses, U.S. Attorneys and Marshals
(Functional Analysis)
(Dollars in thousands)

Grade and object class	1982 Proposed Amendment		U.S. Attorneys		Bankruptcy Matters		U.S. Marshals	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
LS-4.....	-1	-50	...	...	-1	-50	...	...
GS/GR-15.....	-3	-148	...	...	-3	-148	...	...
GS/GR-14.....	-10	-406	...	...	-10	-406	...	...
GS/GR-13.....	-44	-1,523	-21	-1,117	-23	-806	...	...
GS-12.....	-14	-453	-9	-289	-5	-164	...	...
GS-11.....	-19	-462	-14	-336	-5	-126	...	...
GS-9.....	-91	-1,749	-14	-278	-24	-486	-51	-585
GS-8.....	-20	-359	-3	-54	-17	-305	...	...
GS-7.....	-78	-1,240	-9	-141	-19	-339	-50	-760
GS-6.....	-52	-750	-35	-494	-17	-256	...	...
GS-5.....	-98	-1,240	-29	-371	-14	-195	-55	-674
GS-4.....	-19	-222	-8	-91	-11	-131	...	...
GS-3.....	-1	-10	-1	-10	...	...	...	...
Ungraded	-70	-3,077	-52	-2,188	-18	-889	...	...
Total positions and annual rates.....	-520	-11,609	-195	-4,969	-167	-4,301	-158	-2,419
Leave.....	113	2,428	69	1,552	16	442	28	434
Net permanent positions.....	-407	-9,261	-126	-3,417	-151	-3,859	-130	-1,985
Position other than permanent.....	-41	-319	-6	-82	-26	-137	-9	-100
Other personnel compensation.....	-6	-688	...	...	-6	-112	...	-576
Total workyears and personal compensation.....	-454	-10,268	-132	-3,499	-183	-4,108	-139	-2,661
Personnel benefits.....	...	-962	...	-315	...	-389	...	-258
Travel and transportation of persons.....	...	-955	...	-113	...	-622	...	-220
Transportation of things.....	...	-77	...	-5	...	-72	...	...
Standard level user charges.....	...	-764	...	-150	...	-614	...	...
Communications, utilities, other rent.....	...	-704	...	-413	...	-281	...	...
Printing and reproduction.....	...	-130	...	-31	...	-99	...	...
Other services.....	...	-1,124	...	-85	...	-834	...	-265
Supplies and materials.....	...	-278	...	-32	...	-86	...	-186
Equipment.....	...	-648	...	-251	...	-197	...	-200
Total workyears and obligations, 1982.....	...	-15,910	...	-4,894	...	-7,314	...	-3,702

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Rev. 4-64
5010-101

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, U.S. ATTORNEYS AND MARSHALS
Program and Financing (in thousands of dollars)

Modification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-0322-0-1-752			
Program by activities:			
Direct program:			
1. U.S. attorneys.....	194,884	-4,894	189,990
2. Bankruptcy matters.....	7,584	-7,314	270
3. U.S. marshals.....	104,648	-3,702	100,946
Total direct program.....	307,116	-15,910	291,206
Reimbursable program.....	630	...	630
10.00 Total program costs, funded obligations.....	307,746	-15,910	291,836
Financing:			
Offsetting collections from:			
11.00 Federal funds.....	-517	...	-517
14.00 Non-federal funds.....	-113	...	-113
40.00 Budget authority (appropriation)	307,116	-15,910	291,206
Relations of obligations to outlay:			
21.00 Obligations incurred, net.....	307,116	-15,910	291,206
22.40 Obligated balance, start of year	33,562	486	34,048
24.40 Obligated balance, end of year..	-41,922	-43	-41,965
90.00 Outlays, excluding pay raise supplemental.....	298,536	-15,461	283,075
91.20 Outlays from civilian pay raise supplemental.....	220	-6	214

STANDARD FORM 304
May 1969, Bureau of the Budget
Circular No. A-11, Revised
504-103

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, U.S. ATTORNEYS AND MARSHALS
OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	19 82 Request	19 82 Proposed	19 82 Revised
15-0322-0-1-752	Pending	Amendment	Request
Personnel compensation:			
11.1 Permanent positions.....	174,076	-9,261	164,815
11.3 Positions other than permanent.....	4,933	-319	4,614
11.5 Other personnel compensation.....	9,807	-688	9,119
11.8 Special personal services payments.....	113	...	113
Total personnel compensation.....	188,929	-10,268	178,661
Personnel benefits:	19,137	-962	18,175
12.1 Civilian.....			
13.0 Benefits for former personnel			
21.0 Travel and transportation of persons.....	17,491	-955	16,536
22.0 Transportation of things.....	645	-77	568
23.1 Standard level user charges.....	24,507	-764	23,743
31.0 Rent, communications, and utilities			
23.2 Comm., utilities, and other rent.....	16,110	-704	15,406
24.0 Printing and reproduction.....	2,199	-130	2,069
25.0 Other services.....	29,124	-1,124	28,000
26.0 Supplies and materials.....	2,485	-278	2,207
31.0 Equipment.....	6,472	-648	5,824
32.0 Lands and structures			
33.0 Investments and loans			
41.0 Grants, subsidies, and contributions			
42.0 Insurance claims and indemnities.....	17	...	17
43.0 Interest and dividends			
44.0 Refunds			
Total direct obligations.....	307,116	-15,910	291,206
Reimbursable obligations.....	630	...	630
99.0 Total obligations.....	307,746	-15,910	291,836

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. 2-11, Revised.
500-101

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, U.S. ATTORNEYS AND MARSHALS

PERSONNEL SUMMARY

Identification code	19 82 Request Pending	19 82 Proposed Amendment	19 82 Revised Request
15-0322-0-1-752			
Direct:			
Total number of full-time permanent positions.....	6,793	-520	6,273
Total compensable workyears:			
Full-time equivalent employment	6,756	-448	6,308
Full-time equivalent of overtime and holiday hours	326	-6	320
Average ES salary.....	\$50,077	...	\$50,077
Average GS grade.....	7.76	7.88	7.73
Average GS salary.....	\$20,097	\$19,069	\$20,205
Average salary of ungraded positions.....	\$42,465	\$43,957	\$42,413
Reimbursable:			
Total number of full-time permanent positions.....	19	...	19
Total compensable workyears:			
Full-time equivalent employment	19	...	19
Full-time equivalent of overtime and holiday hours.....	3	...	3
Average GS grade.....	9.0	...	9.0
Average GS salary.....	\$17,035	...	\$17,035

STANDARD FORM 306
July 1964, Bureau of the Budget
Circular No. A-11, Revised.
500-108

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, U.S. ATTORNEYS AND MARSHALS

DETAIL OF PERMANENT POSITIONS

15-0322-0-1-752	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Executive level IV.....	4	...	4
Subtotal.....	4	...	4
ES-1.....	1	...	1
ES-2.....	1	...	1
ES-4.....	5	-1	4
ES-5.....	2	...	2
GS/GM-15.....	25	-3	22
GS/GM-14.....	98	-10	88
GS/GM-13.....	144	-44	100
GS-12.....	195	-14	181
GS-11.....	440	-19	421
GS-10.....	16	...	16
GS-9.....	1,171	-91	1,080
GS-8.....	175	-20	155
GS-7.....	455	-78	377
GS-6.....	976	-52	924
GS-5.....	617	-98	519
GS-4.....	330	-19	311
GS-3.....	61	-1	60
GS-2.....	6	...	6
Subtotal.....	4,718	-450	4,268
Ungraded.....	2,071	-70	2,001
Total permanent positions.....	6,793	-520	6,273
Unfilled positions, Sept. 30.....	-167	...	-167
Total permanent employment end of year..	6,626	-520	6,106, 11

U.S. ATTORNEYS

Mr. SMITH. We will first consider the request for the U.S. Attorneys.

Mr. William Tyson, you are the acting Director of the U.S. Attorneys. Who do you have with you?

Mr. TYSON. Mr. Chairman, I have with me on my left, Mr. Frank Mallgrave, assistant director for Administrative Services, and to Mr. Mallgrave's left is Mr. Moyer, our financial manager and to his left is my deputy, Mr. McWhorter.

GENERAL STATEMENT

Mr. SMITH. Do you have a statement?

Mr. TYSON. Mr. Chairman, I would like to offer for incorporation into the record my written statement.

Mr. SMITH. Without objection.

[The statement of William P. Tyson follows:]

STATEMENT OF THE ACTING DIRECTOR EXECUTIVE OFFICE FOR U.S. ATTORNEYS,
WILLIAM P. TYSON

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you on behalf of the 1982 request for the U.S. Attorneys, U.S. Trustees and the U.S. Marshals. The total request is \$278,205,000 and 5,959 positions, a net decrease of \$7,418,000 and 842 positions below the amounts anticipated for 1981. The requested amount includes a reduction for a legislative proposal of \$13,001,000 and 314 positions to relieve the U.S. Attorneys and Marshals of their responsibilities under the District of Columbia Code. The request for the U.S. Attorneys is \$180,844,000 and 4,079 positions, for the U.S. Trustees, \$270,000; and, for the U.S. Marshals Service, \$97,091,000 and 1,880 positions.

My role today will be to present the portion of the request which pertains to the U.S. Attorneys. I will be followed by Mr. Richard L. Levine, Director, U.S. Trustees, who will appear before you on behalf of the U.S. Trustees. Mr. William E. Hall, Director, United States Marshals Service, will appear on behalf of the Marshals Service and the Support of U.S. Prisoners appropriation.

The U.S. Attorney's request provides for the prosecution of federal criminal offenses and the conduct of the government's civil litigation in the ninety-five federal judicial districts. An appropriation of \$180,884,000 and 4,079 positions is requested for the U.S. Attorneys—an increase of \$4,463,000 and a decrease of 338 positions from the appropriation anticipated for 1981. Changes to the budget are summarized as follows:

1. Uncontrollable increases totaling \$10,003,000.
2. Decreases totaling \$143,000.
3. Program decreases amounting to 112 positions.
4. Program increases totaling \$4,049,000.
5. A reduction of 226 positions and \$9,146,000 in anticipation of legislation transferring the U.S. Attorney's prosecutorial authority under the District of Columbia Code to the District of Columbia Government.

Although the first two items are largely technical adjustments, I would like to point out that the computation of increased pay costs has been diminished, to a substantial extent, by savings realized through reduced employment. Due to government-wide restrictions on employment, the U.S. Attorneys will average nearly 300 fewer personnel on duty this year than the number provided in 1981. For 1982, some additional funding for the comparability pay increase approved in October 1980 will permit average employment for the year to increase by 80 employees.

Incidental to the employment reductions accomplished through restrictions on funding for increased pay costs, a program decrease of 112 positions is reflected in the U.S. Attorneys' 1982 budget. It is expected that this reduction will be distributed among the U.S. Attorneys' programs as follows: a decrease of 10 positions for appellate activity; a decrease of 65 positions for criminal litigation; and a decrease of 37 positions for civil litigation. The actual programmatic distribution of these cutbacks will, however, depend on the exigencies of the caseload in the districts to which the cutbacks are directed. In terms of personnel categories, the U.S. Attorneys will have available 52 fewer attorney positions, 6 fewer paralegal positions and 54 fewer support positions.

The position decrease is accompanied by program increases for debt collections activities and for the caseload management project. The U.S. Attorney's request

includes \$555,000 for the acquisition of additional word processing equipment and for other costs associated with improving record keeping and increasing the production of correspondence and other documentation relative to the collection of debts due the government. Nationwide, there are approximately 60,000 debtor accounts for which the U.S. Attorneys are now responsible. High speed, efficient equipment is essential to keep track of outstanding debts, to maximize the receipt of debtor payments, and, in the absence of debtor cooperation, to obtain legal remedies which are available.

An increase of \$3,494,000 for the caseload management project will provide for the acquisition of additional data processing equipment and contractual services critical to the continued implementation of the new caseload management information system. The initial stage of the project is underway in four districts and the requested funding increase will allow implementation to begin in twenty additional districts in 1982. As presented to the subcommittee in the past, the caseload management project is an ongoing effort by the Executive Office for U.S. Attorneys to improve the availability and timeliness of accurate, comprehensive information on the work of U.S. Attorneys.

Before closing I would like to bring the subcommittee's attention to a particular contingency which will have a substantial bearing on the resource levels required for 1982. As noted above the U.S. Attorneys' 1982 request contemplates the enactment of legislation transferring prosecutorial authority in the District of Columbia to the District of Columbia Government. If such legislation is not enacted, the U.S. Attorneys will require restoration of resources to continue prosecuting District of Columbia offenses.

I will be glad to respond at this time to any questions which you may have.

Mr. TYSON. I will summarize and paraphrase the statement for benefit of the committee.

Mr. SMITH. All right.

Mr. TYSON. Mr. Chairman, it is a pleasure to appear again before the subcommittee. I am appearing as the lead-off witness on behalf of the fiscal year 1982 budget request for U.S. Attorneys, U.S. Trustees and U.S. Marshals.

The total request is for \$278,205,000, and for 5,959 positions. This is a net decrease of \$7,418,000 and 842 positions below the amounts requested for fiscal year 1981.

The budget request includes a reduction for a proposed transfer of jurisdiction to the District of Columbia for prosecution of offenses against the D.C. Code.

The reduction for the transfer would involve \$13,001,000 and 314 positions.

That proposal, if submitted and enacted, would relieve the U.S. Attorneys and U.S. Marshals of their responsibilities under the D.C. Code.

The specific request for each of the organizations included in this budget request are: for the U.S. Attorneys, \$180,844,000 and 4079 positions; for the U.S. Trustees, \$270,000 and no positions; and for the U.S. Marshals, \$97,091,000, and 1,880 positions.

My principal role today will be to present the portion of the budget request pertaining to U.S. Attorneys.

I will be followed by Mr. Richard Levine for the U.S. Trustees, and Mr. William E. Hall for the U.S. Marshals.

BUDGET REQUEST FOR U.S. ATTORNEYS

The U.S. Attorneys budget request provides for prosecution of criminal cases, and the representation of the interests of the United States in the conduct of civil litigation by and against the United States Government.

It also includes a legal education program, I might add.

Our request for \$180,884,000 and 4,079 positions is an increase of \$4,483,000, and a decrease of 338 positions.

In summary, the changes to the budget are, one, uncontrollable increases, \$10,005,000; two, decreases of \$143,000; three, program decreases of 112 positions; four, program increases of \$4,049,000; and five, a reduction of 226 positions and \$9,146,000 related to the D.C. transfer that I mentioned.

My written statement explains these changes in more detail. I would point out that the above figures reflect savings in our pay costs realized through reduced employment caused by hiring freezes and other limitations on hiring.

As a result of such restrictions, we will average 300 fewer personnel on duty than the number provided in the fiscal year 1981 budget.

For fiscal year 1982, we would hope to increase average employment by 80 employees, due to additional funding for the comparability increase approved in October 1980.

The program reduction of 112 positions mentioned above will be distributed among our appellate activity, criminal litigation and civil litigation functions in proportionate numbers.

The reduction will result in 52 fewer attorney positions, six fewer paralegal positions and 54 fewer support positions.

PROGRAM INCREASES

We are asking for a program increase for debt collection activity and for the caseload management project. The amount of \$550,000 is requested for additional word processing equipment and other costs associated with improved recordkeeping and improvements in producing correspondence and documentation needed in collecting debts.

There are at least 60,000 debtor accounts totalling over \$700 million for which U.S. Attorneys are responsible.

High-speed efficient equipment is essential to increase the productivity of our attorneys and paralegals in this important debt collection work.

As to the caseload management project, we are asking for \$3,494,000 for data processing equipment and contractual services which are critical to the success and the continued implementation of our developing management information system.

As a result of the support the Congress has given us in the past, we have pilot programs in operation in four districts, and the additional funding of \$3,494,000 requested will permit us to expand into 20 additional districts in fiscal year 1982.

This program will permit my office to fulfill the promises made previously to this subcommittee and other committees of both Houses, to improve the availability and timeliness of accurate comprehensive information on the work being accomplished by U.S. Attorneys.

DISTRICT OF COLUMBIA TRANSFER

Finally, if I may, I would like to return for a moment to the possible transfer of jurisdiction to the District of Columbia mentioned earlier.

This aspect of our budget request concerns me greatly.

As the Attorney General has indicated in his testimony, this proposal initiated by the previous Administration is under review.

If the proposal is not submitted or not enacted, it is critically important that the Congress restore to the U.S. attorneys the resources, that is the 226 positions and \$9,146,000 necessary to continue servicing the Superior Court in the District of Columbia.

Otherwise, we would have to take these resources away from other parts of the country, and significantly reduce the delivery of legal services in those affected locations, in other words, to provide the services in the District of Columbia for the Superior Court.

Thank you for your courtesy and attention. I will be glad to answer your questions.

OFFICIAL BUDGET REQUEST

Mr. SMITH. Let's clarify this now. Is the official request for \$291,206,000 or is it for \$278,205,000?

Mr. ROONEY. The official request is the \$291 million.

Mr. SMITH. Then you have included in the request the \$13 million that would be necessary if that jurisdiction is not transferred?

Mr. ROONEY. That's correct, Mr. Chairman. The official request is for \$291 million, and if the proposed legislation is enacted, there would be a reduction of the \$13 million.

DEBT COLLECTION AND WORD PROCESSING EQUIPMENT

Mr. SMITH. With regard to these debt collection activities, I understand you have reduced or are proposing 63 fewer positions than were requested in the budget. Are you asking for more people than you had last year?

Mr. TYSON. We are not asking for more people, no, sir.

Mr. SMITH. Wasn't the \$555,000 for additional word processing equipment, connected with the request for the 63 positions which was not approved?

Mr. TYSON. The request for additional funding is for the coming year. That has not been enacted, no, sir.

Mr. SMITH. It wasn't cleared through OMB, but you received \$555,000 in your request, for processing equipment, and you also asked for 63 additional positions.

The positions were not approved, but you are still asking for the processing equipment?

Mr. TYSON. That's correct, yes, sir.

Mr. SMITH. Are the 63 positions you did not get unrelated? Is that unrelated to the need for the additional word processing?

Mr. TYSON. They basically are unrelated. We need the additional—

Mr. SMITH. Even though you don't have the additional positions?

Mr. TYSON. Yes, sir.

Mr. SMITH. Why?

Mr. TYSON. Actually it is perhaps even more important that we have the word processing equipment if we don't get additional people, because we have to increase the productivity of the people we do have.

Mr. SMITH. This is not additional equipment for additional people to use then?

Mr. TYSON. That's correct. It is to increase the productivity of the people that we do have, actually.

U.S. ATTORNEY EVALUATIONS

Mr. SMITH. What about the evaluation of U.S. attorneys' offices? These things have been going on for some time.

Are you proposing to do that?

Mr. TYSON. You mean performance evaluations?

Mr. SMITH. Yes.

Mr. TYSON. That is an issue that has not been addressed by the new leadership. There are proposals that have been submitted, but it has not been addressed.

Mr. SMITH. You don't have any request here for resources for that purpose, then?

Mr. TYSON. We do not, not for additional resources for that, no, sir.

VACANT POSITIONS

Mr. SMITH. Are there some vacancies now in the U.S. attorneys' offices?

Mr. TYSON. Yes, sir.

Mr. SMITH. How many?

Mr. TYSON. 480, I believe, as of the 24th.

Mr. SMITH. 480 as of?

Mr. TYSON. As of yesterday.

Mr. SMITH. As of March 24?

Mr. TYSON. As of yesterday.

Mr. SMITH. Those are assistant U.S. attorneys?

Mr. TYSON. That is total.

Mr. SMITH. Total?

Mr. TYSON. 143 attorneys.

Mr. SMITH. How many?

Mr. TYSON. 143 attorneys, 137 paralegals, and 200 clerks.

U.S. ATTORNEY TERMS

Mr. SMITH. The so-called term expires for some additional U.S. attorneys in the near future, doesn't it?

Mr. TYSON. On U.S. attorneys?

Mr. SMITH. Yes.

Mr. TYSON. U.S. attorneys, yes, sir. The terms do expire this year. I don't have the exact number, but there were a number of U.S. attorneys appointed during the first year of the Carter Administration whose terms will expire this year.

Mr. SMITH. They don't all expire in the same year?

Mr. TYSON. They do not. They were appointed at different times. The term expires four years from the date.

Mr. SMITH. From when they were appointed?

Mr. TYSON. That's right, from the date of the appointment.

U.S. ATTORNEY VACANCIES

Mr. SMITH. Well, then, you won't have any vacancies in those until the four years have ended?

Mr. TYSON. We will not have vacancies until either the term expires or the incumbent resigns. Now, there are a number of incumbents who have submitted resignations.

Mr. SMITH. Voluntarily?

Mr. TYSON. Voluntarily, because they were ready to change their career plans and are moving on to something else.

Mr. HIGHTOWER. Will the Chairman yield?

Mr. SMITH. Yes.

Mr. HIGHTOWER. How many U.S. attorney vacancies are there at this moment?

Mr. TYSON. The total number of U.S. attorney vacancies? I don't have the exact figure.

Mr. SMITH. You just told me 143.

Mr. TYSON. It is between 25 and 30, I believe.

Mr. MALLGRAVE. Mr. Chairman, the number 143 is for assistant U.S. attorneys.

Mr. TYSON. Those are assistants, yes.

Mr. MALLGRAVE. From a technical standpoint, there really are no vacancies of U.S. attorneys because as an U.S. attorney position becomes vacant, it is immediately filled on a court-appointed basis.

Mr. HIGHTOWER. I am referring to those who are presidentially appointed.

Mr. TYSON. Yes, sir, there are around slightly less than 30 vacancies in the sense of having either a court-appointed successor to the presidential appointee or, in three instances, a presidentially appointed incumbent who is serving although the term has expired.

There is a hold-over status which technically is a vacancy.

Mr. HIGHTOWER. Is the appointment for four years or until a successor is qualified?

Mr. TYSON. Yes, sir, it is four years, subject to the pleasure of the President, actually.

Mr. HIGHTOWER. On the last day of the fourth year, does a man vacate his office?

Mr. TYSON. He does not.

Mr. HIGHTOWER. Then does he hold his office?

Mr. TYSON. Those are the three that I mentioned that are hold-overs. Under the statute, if the person, the incumbent, wants to stay, then he just stays and the statute provides that he or she continues in office until a successor is appointed.

IMPACT OF VACANCIES ON CRIMINAL INVESTIGATIONS

Mr. SMITH. How does this reduction affect the FBI and the DEA with regard to investigative efforts?

You have a reduction for investigative efforts totaling 195 fewer people. You do coordinate with the FBI and the DEA.

How can you have a request for less resources without affecting them?

Mr. TYSON. Mr. Chairman, for the last several years, we have maintained a vacancy level of 200 to 400 positions. This can be compared with the 4,417 Congressionally authorized positions we have for 1981.

We have never had more than in the neighborhood of 4,000 on duty.

Mr. SMITH. Are you, then, reducing the lapse rate here?

Mr. TYSON. Actually, what is happening here is that we will maintain the same level of services that we have been maintaining, due to the new ceiling and reductions in this budget request.

The funding Congress gave us to support the Omnibus Judgeship Bill was phased in, as you may recall, in anticipation of delays in getting the judges on the bench. While we were in the process of phasing in assistant U.S. attorneys, we were caught by President Carter's freeze and other limitations on employment, so that we never have been able to get up to the Congressionally authorized level. What we are doing is maintaining the level of services that we have been performing.

Mr. SMITH. How many positions do you have in the investigative side and how many are vacant?

Mr. TYSON. Sir, how many do we have on the law enforcement side?

Mr. SMITH. Yes.

Mr. TYSON. In 1982, we estimate 2,402 total positions on criminal law enforcement litigation. We had, in 1980, 2,467, or slightly over 50 percent of the resources are on the criminal side.

VACANT POSITIONS

Mr. SMITH. The 195 positions that you referred to as a reduction in the lapse rate. How many positions did you have that were not filled of the 195?

Would they all be not filled?

Mr. TYSON. Approximately 195 to 200.

Mr. SMITH. Then you can't get down to a zero lapse rate, can you?

Mr. MALLGRAVE. Mr. Chairman, 83 of those positions were position increases that we were to receive. They were cut out entirely, so we never received those positions in the first instance.

The remaining 112 are positions that we have had vacant over a period of time.

[The following information was submitted subsequent to the hearing:]

CLARIFICATION OF POSITION VACANCIES

The Reagan Administration proposed reducing the number of authorized positions in the Carter 1982 budget from 4,500 to 4,305, a reduction of 195 positions. None of this reduction would require the U.S. Attorneys to reduce their current employment.

Mr. SMITH. Mr. Early.

TREATMENT OF LEGISLATIVE PROPOSALS

Mr. EARLY. Thank you, Mr. Chairman. Isn't it interesting, referring to Mr. Smith's question, that you requested the higher number, \$291 million for the U.S. attorneys pending legislation, while in several other areas, you take the lower number, pending legislation.

Why? Take something like your Trustee program. You took the savings pending legislation. But with the U.S. attorneys you give us the higher number, pending the legislation.

Mr. ROONEY. Somewhat responsive to that, Mr. Early, is that in this instance, it would require legislation to transfer authority to

the District of Columbia, whereas, under the trustees, as an example, the legislation frankly would only require, without amendment to the legislation, the trustees themselves, the 11 on board.

DEBT COLLECTIONS

Mr. EARLY. I think you suggested earlier that the U.S. Attorneys have an outstanding debt of \$700 million.

Mr. TYSON. Yes, sir.

Mr. EARLY. What was the figure for the years 1979, 1980 and 1981?

Mr. TYSON. That number, I think, has probably been relatively constant over the last several years.

Mr. EARLY. Let me ask you why?

Mr. TYSON. We have been collecting, but the debts have continued to pile up from the client agencies, student loans, defaults on other loans made by the agencies and VA claims that have been defaulted.

We have never been able to get ahead in the collection effort.

Mr. EARLY. Has it been because of a lack of personnel? Are you satisfied that there has been a good effort to collect that money?

Mr. TYSON. Quite candidly, Mr. Early, this area has been studied by a variety of groups over the last several years, including OMB and GAO, and the indications are confirming what we have suspected for a long time, that debt collection is an activity that U.S. attorneys and assistant U.S. attorneys tend to put at the lower priority level in their offices.

It is not a popular kind of work. It is not the kind of thing that lawyers like to do.

WRITE-OFF OF DEBTS

Mr. EARLY. Wouldn't it be responsible to go into all of the U.S. attorneys' offices and, write off what we have to write off, rather than having a figure like that?

We are going to read in the newspapers that the U.S. attorneys are just not collecting the \$700 million that is owed to the government.

Mr. TYSON. We don't believe that putting additional lawyers in is really the way to solve it.

We believe two things. One is to increase the productivity of the people who are there. Get more paralegals into the system and, secondly, my office is now submitting for consideration some proposals to relieve the U.S. attorneys' offices to some extent.

Mr. EARLY. Do you have the authority to write off any of that debt?

Mr. TYSON. To write it off?

Mr. EARLY. A student loan that is, say, seven years old, can you write that off?

Mr. TYSON. The U.S. attorney does not have authority to write it off. The agencies do.

Essentially, we are collecting money for our clients, VA, HEW, HUD and the various client agencies, and I presume they do have authority to settle or write off the debts at some point.

U.S. attorneys in the department do have some settlement authority once it gets to us to settle the debts. Much of this activity

takes place by the client agencies before they ever refer a debt to us for collection.

POSITION VACANCIES

Mr. EARLY. With respect to the number of vacancies that you have, I assume that most of them are paralegals and the clerks.

Those are the vacancies you usually have. Do the 143 vacancies for the assistant U.S. attorneys reflect the turnover rate? That number seems to me to be high.

Mr. TYSON. The total figure is higher and the figure in all categories is higher for the past few years, due to the funding scheme for the Omnibus Judgeship Bill and the hiring freeze and other limitations that we have been under.

Mr. EARLY. There is such a surplus of lawyers out there, it is a buyer's market to find lawyers.

Mr. TYSON. They are not vacant because we can't find them. The positions are vacant because we have not been allowed to fill them.

Mr. EARLY. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

DEBT COLLECTION

Mr. Tyson, on this issue of the debt collection, I am not sure just what your practices are.

What is the procedure for debt collection? Do you have debts that are obligations of the United States Government, that are forwarded to the U.S. attorneys by the various departments and agencies?

Mr. TYSON. Yes, sir. Say the VA has a defaulted loan from a veteran on a housing loan or a student loan default or whatever the case may be according to the programs of the various executive agencies. The responsible agency initially attempts to collect the debt through correspondence with the debtors, and perhaps trying to intimidate them with threats that if they don't pay up, they will be sued and so forth, but at some point, the agency gives up.

Mr. HIGHTOWER. Is there a standard procedure?

Do you require all of these things to be done before they are sent to the attorneys?

Mr. TYSON. I won't say that every agency does precisely the same thing in the same way, but in principle, they are supposed to attempt to collect the debt, and if they are unsuccessful, they refer it to the United States attorney.

Mr. HIGHTOWER. Does it come to Washington or does it go to the nearest U.S. attorney from the regional office?

Mr. TYSON. I think that probably they go to the U.S. attorney, most of them.

Mr. McWHORTER. Most of them go to the U.S. attorney, unless they are over a certain amount.

Mr. HIGHTOWER. Do you mean the U.S. attorney in the district where the defendant resides?

Mr. McWHORTER. Yes.

Mr. TYSON. Not necessarily the district, but probably where the agency regional office is located.

Mr. McWHORTER. The collections activity is normally in the district where the debtor is located.

Mr. TYSON. That is where the suit would be filed.

Mr. HIGHTOWER. Yes.

Mr. McWHORTER. Yes, sir, of course.

PROCEDURE FOR COLLECTING DEBTS

Mr. HIGHTOWER. And then do you have a standard procedure from that point, once the debt arrives in the U.S. attorney's office?

Mr. TYSON. Again, in principle, we have a standard procedure. We have many seminars and schools in which we attempt to teach the collections people the procedures to follow.

Now, as we get better-trained collections people and get the automated equipment, that permits us to put the standard dun letters and the standard follow-up letters.

Mr. HIGHTOWER. The dun letters were done by the departments and agencies?

Mr. TYSON. Initially, but we have to start over again.

Mr. HIGHTOWER. Why is that?

Mr. TYSON. Well, because the agency, the VA, has struck out. Many people will not respond to a threat that—

Mr. HIGHTOWER. Wouldn't you think that it would be much better if all the departments and agencies knew that they had the responsibility of pursuing this to the point of filing a suit? Once it was referred to the U.S. attorney, shouldn't the next voice you hear be the marshal knocking at the door with your citation?

Wouldn't that be more effective than to start over and do it again? You have such tremendous workloads, and as you said, this is not an area that is popular within the office.

I was a young lawyer in a large firm one time, and I know how those things work. They filter down to the lowest man on the totem pole and he does it last.

It looks like we should standardize these things and let the departments and agencies do all of the letterwriting, and then let the lawyers file the suits.

Mr. TYSON. I couldn't argue with the psychology of your approach. I suspect, however, we would have problems with the judges.

The judges complain about cluttering their calendars.

Mr. HIGHTOWER. Oh, my heart bleeds. My heart bleeds for the judges.

JUDICIARY—A PROBLEM IN DEBT COLLECTION

Mr. TYSON. They speak to us to attempt to do everything we can to avoid the suit having to be filed and put on their docket, and that is a part of the equation that we have to live with.

Mr. HIGHTOWER. Well, usually the best time to settle a lawsuit is right after it is filed.

So long as a defendant feels like he is going to avoid being sued, he will try to put it off. He tries to drag it out. You know, you never lose a suit that you don't try, and you never lose one that is never filed against you. This may be part of your problem.

You are the expert and I am concerned.

Do you have any unique procedures for debt collections?

Are there any unique procedures that the U.S. attorneys employ as far as debt collections are concerned?

Mr. TYSON. No. The only real uniqueness of their procedure is the fact that the letter goes to the debtor on official, United States Attorney letterhead. Sometimes that will get their attention when letters on a VA letterhead did not. Also, there are some who will respond to that, because they know or their lawyer knows that it has now reached a point where it is not just letterwriting.

The next thing will be, perhaps, a lawsuit.

Mr. HIGHTOWER. The lawyer knows, if he is experienced in these things, what letter you are getting, when he is getting the first letter, the second letter, or the third letter, and he knows how much longer he can drag it out.

CASELOAD MANAGEMENT

Would you give us some details on the progress of the caseload management project?

Mr. TYSON. As indicated, we have now models in four offices for the small, and medium-size and large offices to develop the hardware and the software for putting into the system the management information that is needed for the U.S. attorney locally to manage his or her own caseload. We are now ready to expand into, as indicated, some 20 other districts.

The studies are still going on in conjunction with Mr. Rooney's staff, to study the pilot phase that we are currently in.

We are very encouraged by the progress so far in terms of the way it is developing to be able to provide the U.S. attorneys with the information they need. That is to me the first priority, to manage their own caseloads. Secondly, as a byproduct, it will provide the legal divisions in Washington with the information they need for their oversight of what U.S. attorneys are doing. Finally, of course, it will to help us in budget formulation and historical statistical purposes. Those are other aspects of the system, and it is progressing quite successfully.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Dwyer?

Mr. DWYER. No questions.

WEDNESDAY, MARCH 25, 1981.

U.S. TRUSTEES

WITNESSES

RICHARD L. LEVINE, DIRECTOR AND COUNSEL, EXECUTIVE OFFICE
FOR UNITED STATES TRUSTEES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. SMITH. We will now consider Bankruptcy Matters. We have with us Mr. Levine, the Director and Counsel of the Executive Office for United States Trustees. The request is for \$270,000. That is a decrease of \$5,352,000. It is hardly worthwhile to ask for \$270,000. Why don't you just ask for zero funding?

Mr. LEVINE. I believe the administration's position, Mr. Chairman, was that there may have been some leases and things like that that might have to run out their term.

Mr. SMITH. Go ahead and tell us about the request.

GENERAL STATEMENT

Mr. LEVINE. Mr. Chairman, I have prepared and submitted a two-page statement. If you want me to read it, I will. Otherwise, I would be content to summarize it.

Mr. SMITH. Summarize it please.

[The prepared statement follows:]

STATEMENT OF THE DIRECTOR AND COUNSEL, EXECUTIVE OFFICE FOR U.S. TRUSTEES, RICHARD L. LEVINE

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to appear before you today to discuss the 1982 appropriation request for the United States Trustees, a pilot program established by Congress in the Bankruptcy Reform Act of 1978. The request involves no positions, 7 workyears and \$270,000 to provide for orderly termination of the U.S. Trustee program. From the 1981 anticipated level of 207 positions, 177 workyears and \$7,381,000, the Administration is proposing additional savings of 55 workyears and \$1,760,000 to start winding down the pilot project during the current fiscal year. The 1981 reduction of \$1.7 million, if approved, would be transferred to fund higher priority supplemental requirements of the U.S. Marshals Service.

If Congress approves the Administration's proposal to eliminate the pilot program in the Department of Justice, the required amendatory legislation will involve Chapter 15 of Title 11 U.S.C. and Chapter 39 of Title 28 U.S.C. With these amendments, statutory authority for bankruptcy administration would revert to the Bankruptcy Courts. The change would affect 18 Federal judicial districts where the U.S. Trustees now have jurisdiction. The Attorney General has stated that he will be talking to the Chief Justice about ways to handle any problems arising from the termination of the Trustee program in the Department of Justice.

I believe that one of the problems likely to be encountered involves administrative continuity of the cases now handled by the U.S. Trustees. In fiscal year 1980, the U.S. Trustees' first year of operation, there were over 78,000 cases filed in the 18 pilot districts, involving nearly 106,000 debtors. The cases represent approximately 25 percent of those filed nationwide, and perhaps as much as 40 percent of the assets being administered. Furthermore, the data available through February 1981 suggest that in the pilot districts approximately 125,000 debtors will initiate bankruptcy proceedings in fiscal year 1981.

On the question of whether the pilot system works better than the system in non-pilot districts, any comments would be premature. Results of a study on the merits and disadvantages of the pilot program were originally to be reported to Congress in 1984; the Administration's 1982 request would also eliminate the need for that evaluation.

The Administration's initial review also leads it to believe that improvement of a court-related responsibility should not properly be assigned to the Department of Justice, but rather to the Judicial Branch. This is consistent with the position expressed by former Attorney General Griffin Bell.

I will be pleased to answer any questions you or members of the Subcommittee may have.

Mr. LEVINE. In summary, Mr. Chairman, the position of the administration is that although the U.S. Trustees program may be useful and effective in the context of bankruptcy, given the various priorities that the Administration may feel are important, the bankruptcy area itself doesn't rise to the same level of priority as, for example, the lifesaving and the more necessary items that the FBI and the Immigration Service do.

I believe there is also a feeling that there may be some duplication with respect to what the U.S. Trustees do and the courts do. I think, Mr. Chairman, it is consistent with what the Administra-

tion's policy is and consistent with what I understand the Attorney General's testimony was the last two times he has appeared on this issue, that the general view of the administration is that there have to be cost savings, that the administration of bankruptcy as a package doesn't rise, as I say, to the level of the lifesaving and the property-saving in programs of other elements of the Department of Justice.

Another time, another place, perhaps with the economy of the country a little different, this request may not have been presented, but right now there was a decision made that the priorities are what they are.

I might also add, Mr. Chairman, that I am personally satisfied that the Attorney General has given this a lot of attention. I am personally satisfied that he has agonized over this particular matter quite a bit, and this was not something which he did in two seconds, and I believe that is the administration's position.

PROCESSING BANKRUPTCY CASES

Mr. SMITH. If you filed 78,000 cases in these 18 pilot districts, and you only receive \$270,000 in 1982 how are you going to provide for the processing of those cases?

Mr. LEVINE. I believe it is the Administration's position, Mr. Chairman, that the budget which they are proposing must concomitantly be accompanied by a repeal of certain provisions of the Bankruptcy Reform Act of 1978. It is my understanding that the Attorney General's testimony has indicated that the Department would simultaneously propose that certain provisions of the Bankruptcy Code, which is contained in the Bankruptcy Reform Act, be repealed.

I do not understand it to be the administration's position that by budget-cutting alone, without the concomitant change in the statute, this would be accomplished, and therefore the answer to your question is you wouldn't need U.S. Trustees if this budget went through, because the assumption of the administration is that there would be the repeal of pertinent sections of the Bankruptcy Code.

Mr. SMITH. Would the repeal eliminate those cases that are filed?

Mr. LEVINE. No, Mr. Chairman.

Mr. SMITH. Would it still be in process?

Mr. LEVINE. Yes, Mr. Chairman. It would just take the processing out of the hands of an entity called U.S. Trustees.

Mr. SMITH. Where would it go?

Mr. LEVINE. That would be up to Congress. I suppose the most logical assumption is that it would go back to the courts, as it was before the Bankruptcy Code.

Mr. SMITH. Have you included additional money somewhere else to process these cases?

Mr. LEVINE. No, Mr. Chairman. I believe the view of the Administration is that the Executive branch of the government, including the President, does not have control over the Judiciary's budget, and I believe the Attorney General has testified that he has an appointment with the Chief Justice in April, I think he said—

Mr. ROONEY. Next week.

Mr. LEVINE. Next week, Mr. Rooney tells me, to discuss this.

Mr. SMITH. If this legislation is not passed, how much money would be required?

Mr. LEVINE. As you are aware, this Congress had given us a budget for fiscal year 1981 of 207 positions, and \$7,908,000. We are now operating with a ceiling of 167 positions and approximately \$7.3 million. I think that right now the administration's view is that the program should be terminated, and I frankly don't know what OMB's position would be with respect to what is needed if the program does not terminate. We, I believe, have not submitted a proposal, OMB has not submitted—

Mr. SMITH. So what we have is a budget that doesn't provide money for this anywhere. You say you don't want to do it; you want someone else to do it, but it is not included in anyone else's budget? These cases have been filed. They will have to be processed.

Mr. ROONEY. Mr. Chairman, if I may?

Mr. SMITH. Yes.

Mr. ROONEY. One of the elements in the decision here, other than the issues that Mr. Levine has already raised, was that since the institution of the pilot program for the 18 judicial districts, there has been no reduction on the part of the Federal judiciary in resources devoted to bankruptcy matters, and this in effect takes that action.

The Act, as it now is, takes the action in those districts away from the judiciary and into the United States Trustee housed in the Department of Justice, so I believe that if the legislation is enacted, which would amend the Act to eliminate the U.S. Trustee or the pilot program, that the burden would fall back upon the judiciary, where I also understand there is a significant increase before the Congress for this program itself in the other districts around the country.

If there is no legislation, obviously the administration would have to respond in some fashion to how it would propose that the Congress fund this program in 1982.

Mr. SMITH. Mr. Early.

Mr. EARLY. Along that same line, Mr. Rooney, since the establishment of the program there has been no reduction in the Judiciary budget. How long has the program been in effect?

Mr. ROONEY. October 1, 1979, a year and a half.

IMPACT OF PROGRAM TERMINATION

Mr. EARLY. Mr. Levine, what will be the impact of the termination of the Trustees program on the districts in which it now operates?

Mr. LEVINE. I guess there would be a couple of impacts, Mr. Early. The first impact, I guess, would be that they would be able to muddle along somehow as they do in the other 76 nonpilot districts now. The second impact would be that a clerk's office would have to do a lot of work. Certain functions probably wouldn't get done as well. Probably in some areas if powers were restored to the judges there would be some problem with public confidence. I guess in summary I would say the cases would get handled, and I don't think the administration pretends the elimination of the U.S. trustees would be perfect.

Remember, Congressman, I am talking only in terms of priorities. The feeling is that they would get handled. There would be some problems. Meetings of creditors would probably not be handled. You probably would have a relatively small number of creditors' committees being formed, because that is our experience now in the nonpilot districts.

One of the major roles of the U.S. trustees, has turned out to be appointing creditors' committees that handle their own affairs in the cases. In the nonpilot districts the system is rather bizarre because it is being handled by clerks and is not done. So in essence, the cases would continue to get administered even if the U.S. Trustees weren't there. The cost would be——

Mr. EARLY. No matter what we do, government is going to keep on going, whether we eliminate the Trustees or something else. The government is going to keep going.

Mr. LEVINE. Yes.

Mr. EARLY. In your statement you mention the problem of continuity of the cases now handled by the trustees. How will the necessary transition be made in the districts for the courts to assume the responsibility of administering the cases?

Mr. LEVINE. I expect that that is one of the matters the Attorney General will be discussing with the Chief Justice. I don't know what anyone has contemplated, because I suspect that the Chief Justice hasn't had occasion to think of this in detail. One would be that the U.S. Trustee function be turned over to the respective bankruptcy courts since one of the areas of reform that Congress sought to address was the improper way cases were being handled.

It may be that someone will conceive that the U.S. Trustee's functions should be handled from the Washington office of the Administrative Office of the U.S. Courts, although that has various problems, or some other arm of the Judicial Conference of the United States—So I don't know, and I am not sure if anybody knows, how the courts specifically would handle these. I suspect that they just wouldn't do some of the functions of the U.S. Trustees.

For example, the U.S. Trustee has a duty to make sure that lawyers aren't being paid too much to the detriment of creditors. Now, if a U.S. Trustee objects to a lawyer's fee, the U.S. Trustee can file a pleading in court. If the U.S. Trustee's functions are transferred to a clerk's office, let's say a very populous state like New Jersey, which has a very heavy number of bankruptcies, as does the rest of the East Coast, it would be a little hard, I would think, for a clerk to file an objection in his or her own court as a party.

I am not even sure constitutionally that the Clerk's Office could object to fees, so there are areas like that that would have to be worked out. The bottom line is I don't know, Mr. Early.

LEGISLATIVE PROPOSAL

Mr. EARLY. Has legislation been filed to amend the bankruptcy law in order to accomplish the reduction?

Mr. LEVINE. I have heard that it has. I suspect from what I have heard that it is fairly simple legislation. I suspect it is to repeal Chapter 15 and Section 330 of the Bankruptcy Code.

Mr. ROONEY. Mr. Early, if I may, as part of the authorization bill which has been submitted to the Judiciary Committees, we include these changes which Mr. Levine has mentioned.

Mr. EARLY. Mr. Rooney, you have been here a long time. The Judiciary Committee spent eight years putting this program together. The original drafters of this legislation are still on the committee. Do you think the proposed legislation has any chance of passing, realistically? This is a situation where I really see haste making waste. As I said to the Attorney General the other day, Mr. Stockman is a smart man, but no one knows everything about all things.

Mr. ROONEY. I think one of the situations which we may face, and which definitely was one of the things that was considered, is if there is no legislative change. Since, as I indicated before, the judiciary hasn't reduced its resources for this program and is asking for a considerable increase for bankruptcies, an alternative may be that the Administrative Office of the Courts, which was under consideration initially for this program, be considered for assuming responsibility for this program.

But we were confronted with a program which the Department, three years ago, probably accepted against its initial inclinations. Attorney General Bell felt that it did not belong in the Department; it was more a Judicial Branch program. And now, confronted with Federal employment reductions, Attorney General Smith's decision was, "Is this where I want to put my resources?" For the same program, the judiciary resources continue to rise and we have got to focus primarily on those things which are the Department of Justice's responsibility.

Mr. EARLY. I agree, but here we are with a program that has been in effect 18 months. Do you have all your positions filled yet, Mr. Levine?

Mr. LEVINE. Yes, Mr. Early. We filled them all as soon as this Committee and the Congress gave us the supplemental appropriation last year. They were all filled within about six months.

Mr. EARLY. So they have been filled how many months?

Mr. LEVINE. I guess by December, the supplemental I believe was passed in July or August of 1980, and by December 15 we had all 167 people in process and probably by the end of January the Justice computer would have had them officially on board, but December 20 actually is the date that sticks in my mind as when we had them all identified and being processed.

Mr. EARLY. In your 18 months of existence, have you conducted some study or some report that says that you are not doing a good job or that the system isn't working?

Mr. LEVINE. Obviously, sitting where I do at the top of this U.S. Trustee pyramid, it is a little embarrassing, for modesty's sake, to answer that, but I will say that except for a couple of individuals who don't like what we did to them there has been no substantial criticism of the program. In fact, the first year we probably had some concern that we weren't doing enough, although we regard the statute as having told us to stay out of certain areas.

There is a study under way now by a private organization, but they were really aiming to answer Congress by 1983, which is when any evaluation would have to come into Congress so it can make

its decision as to what to do with us by April 1, 1984. This is the sunset law.

Mr. EARLY. There is a sunset provision in the law?

Mr. LEVINE. Yes. This program disappears on April 1, 1984, unless Congress otherwise changes it, and the Attorney General is required to do an evaluation. In addition, some private organizations, particularly the National Bankruptcy Conference, have organized an evaluation effort, and I think no evaluation has been completed since no one was aiming for now to have to write the report, but no one substantially has criticized the program. There is one private organization, the Commercial Law League—

Mr. EARLY. If you don't get some criticism pretty soon, something is wrong. Everyone gets criticized in this business.

Mr. LEVINE. As I say, Mr. Early, the Commercial Law League is one group some of the members of which don't like the general concept of the U.S. Trustee program.

Mr. EARLY. There are a lot of people, a lot of attorneys that don't like the concept because of the fee schedule which you mentioned in your remarks. If legislation is not passed, Congress will have to appropriate money for the U.S. Trustees; is that correct?

Mr. LEVINE. I believe that is the administration position, sir.

Mr. EARLY. If so, would you know how much funding you would need to carry on your duties?

Mr. LEVINE. As you know, the funding determinations by the administration are handled by OMB.

Mr. EARLY. Why don't you submit for the record what you filed with OMB for the fiscal year 1982?

Mr. LEVINE. Mr. Early, I don't believe I can comply with that request without the permission of OMB, but I will certainly relay that message back. (Pause) I am sorry, Mr. Early, I had to confer with Mr. Rooney, I will submit that to you.

[The information follows:]

U.S. TRUSTEES FISCAL YEAR 1982 OMB REQUEST

The U.S. Trustees 1982 request to the Office of Management and Budget (OMB) was for 381 positions and \$16,426,000. This request represented an increase of 174 positions and \$8,339,000 over the current level of services in 1981. In requesting this level to OMB, the Trustees request provided staff necessary to handle the administrative responsibilities of the pilot program as outlined in the Bankruptcy Reform Act of 1978. At the time this request was prepared, the Senate Subcommittee had just concurred with the House that 40 positions and \$1,250,000 should be added to the President's 1981 budget request. The 1982 request thus assumed 207 positions and \$7,908,000 would be available to the program in 1981.

Because of the need for overall financial restraint, the Carter Administration decided that it would use some of the 1981 resources provided by Congress to fund the October 1980 pay raise and restrict employment to approximately the same level requested by the President in 1981. Continuation of the policy of employment restraint into 1982 resulted in a decision to include only 167 positions and \$7,584,000 in the January estimates. The Reagan Administration proposed further reductions to the program in 1981 and made the decision to terminate the pilot program in 1982.

TRANSFER BANKRUPTCY CASES BACK TO COURTS

Mr. EARLY. Attorney General Smith yesterday indicated to the committee that he plans to discuss the budget reduction with the Chief Justice. Do you have any reading as to how the Chief Justice

feels about having the courts resume control of the bankruptcy cases?

Mr. LEVINE. No, Mr. Chairman. I can only guess based on public statements that he made at the time the Bankruptcy Reform Act was passed, but that is only guesswork. I have no idea.

Mr. EARLY. Do you have any idea of how much money, if any, would be saved by transferring the responsibility of bankruptcy cases back to the courts? Would it be, Mr. Rooney, a money savings? We get more money-saving suggestions, but in your professional opinion.

Mr. ROONEY. I would suspect so. I would suspect that, confronted with the situation, it would be very difficult for the judiciary, since there are still resources dedicated to the program. Not putting myself in their place, but in our own situation, if we had a given program that was nationwide in scope, we would certainly not be forced to target a large number of resources in just 18 districts.

Mr. EARLY. I have one final question. In your discussion that since the establishment there has been no reduction in the judiciary in those 18 model areas, wouldn't those reductions be suggested by the participants in the judiciary in the areas? I haven't seen too many initiations on reductions, voluntary reductions.

Mr. ROONEY. I agree with that. They would be the ones that would have to volunteer, and they are under different guidelines.

VOLUNTARY REDUCTIONS IN FUNDING

Mr. EARLY. How many of your agencies have suggested reductions voluntarily to you over the years?

Mr. ROONEY. Not very many.

Mr. EARLY. If any.

Thank you, Mr. Chairman.

TRANSITION BACK TO JUDICIARY NOT PLANNED

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

I would like to address this question to Mr. Rooney: In connection with the authorization bill that you say contains a provision deleting the trusteeship provisions of the law, is the Department suggesting some transition? Will there be anything in this authorization bill that would provide for a transition to the judiciary?

Mr. ROONEY. No, there would not, Mr. Hightower.

Mr. HIGHTOWER. Then is the purpose of the conversation between the Attorney General and the Chief Justice next week to ask the Chief Justice what he thinks about your trying to get out of the business and pass the ball to him. He would then have to get appropriate legislation setting up some procedure for the transfer of these cases?

Mr. ROONEY. If you are agreeable to that. I would suspect that perhaps the agreement that would come out of the meeting would be that the Department's staff, including Mr. Levine, would be working with the judiciary staff to come up with some sort of a plan.

RESOURCE REQUIREMENTS CONTINGENT ON BANKRUPTCY ACT
AMENDMENTS

Mr. HIGHTOWER. As the law stands now, if the Congress does not change the authorization bill as you have suggested, what would be the status of the U.S. trustees?

Mr. ROONEY. If the Appropriations Committees act upon our request, we would of course be without resources.

Mr. HIGHTOWER. And you would still have them?

Mr. ROONEY. And we would still have them.

Mr. HIGHTOWER. So then you would have to come back for a supplemental?

Mr. ROONEY. Most likely. Obviously, we would assess the situation as to resources that would be required to conduct the program as efficiently as possible, probably with reduced resources.

HISTORY OF LEGISLATIVE SUPPORT

Mr. HIGHTOWER. I don't recall at the time we passed the trustee bill in 1978, if there was a lot of opposition to this program?

Mr. LEVINE. I believe only to a limited degree. The House, as compared with the Senate, was the author of the provision, particularly with Congressman Edwards and Congressman Butler. At that point the issue in the Senate was being handled by Senator DeConcini, and the Senate was of the view that it was too early to know for sure whether a U.S. Trustee program should be nationwide or only in a reduced number of districts, and a compromise was effected literally at the last minute.

You will notice in the legislative history there was never a conference committee, let alone a conference committee report, on this. The matter was resolved on the floor, and the compromise was that instead of 95 or however many Federal districts there are, there should be 18 U.S. trustee districts on an experimental basis.

Mr. HIGHTOWER. Was that experiment set up to run through 1983?

Mr. LEVINE. April 1, 1984.

Mr. HIGHTOWER. 1984?

Mr. LEVINE. Yes, sir. So the opposition was in the sense of "let's not do the whole thing all at once". No one knew then whether the U.S. Trustees would turn out to be political, which was an important worry since the U.S. Trustees took all the patronage that had previously been that of the judges, so no one knew if this would be a shift of patronage, and there was some nervousness expressed on that kind of an issue at the time, mostly in the Senate.

Mr. HIGHTOWER. Have there been any articles in bar journals, law reviews or elsewhere criticizing the program since it has gone into effect?

Mr. LEVINE. No, sir. There was a lengthy article in the William and Mary Law Review last month by Congressman Butler. That is the most recent one I am aware of. As I indicated earlier to Congressman Early, there is one group, the Commercial Law League, some of the members have, occasionally, opposed the principle.

Mr. HIGHTOWER. What was Congressman Butler's position?

Mr. LEVINE. This article was rehearsing the reasons why the administration of the system should be as it is, at least for the experimental period. I was asked to write one myself for a law review last month, and the issue has been addressed at many seminars, and those of course are oral and not in writing, speakers at programs.

Mr. HIGHTOWER. But there is no clear-cut verdict, is there, as to whether it should be kept or abolished?

Mr. LEVINE. Frankly, no. I don't think that anyone has suggested abolition, except for one person that I know of who is fairly vocal. Other people are saying they like a particular U.S. Trustee and therefore want to see if the program would be as good in other districts. We especially get that in the New York and Boston areas and in New Jersey where the U.S. Trustees are good but people are saying, "Yes, but how do I know the system is good elsewhere in the country?" So the feedback is sporadic right now, but generally positive.

The reason is, as I have indicated, people have been targeting 1982 and 1983 as the date to submit and really sit down and consider this deeply. In the meantime we have been working out problems. Somebody might say, "I don't like what a U.S. Trustee is doing in this area." And we try to address that problem then, to solve the problem, rather than to turn it into an evaluative concept of time.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Dwyer?

Mr. DWYER. No questions.

Mr. SMITH. Thank you, Mr. Levine.

Mr. LEVINE. Thank you, Mr. Chairman and congressmen.

[The following information was submitted subsequent to the hearing:]

MAR 24 1981

Honorable Neal Smith
Chairman, Subcommittee on the
Departments of Commerce, Justice,
State, the Judiciary, and
Related Agencies
House Committee on Appropriations
H-218 Capitol Building
Washington, DC 20515

Dear Mr. Chairman:

In view of the interest shown by you and your Committee
in the bankruptcy funding issue during our recent hearings,
I am enclosing a copy of my letter to Mr. Peter Rodino.

Mr. Rodino, as Chairman of the Committee on the Judiciary,
asked for information relative to costs of trustee coordinators,
a description of their duties, and funding necessary for the
Judicial Branch to assume responsibilities of the United
States Trustee program.

Sincerely yours,

William E. Foley
Director

Enclosure

cc: Mr. John Osthaus

DHeising/vh 3/23/81
Daybook
S.F.
Reading
Mr. Foley
Mr. Heising

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
WASHINGTON, D.C. 20544

WILLIAM E. FOLEY
DIRECTOR

March 24, 1981

JOSEPH F. SPANIOLO, JR.
DEPUTY DIRECTOR

Honorable Peter W. Rodino, Jr.
Chairman, Committee on the Judiciary
U.S. House of Representatives
2137 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Your letter of March 6 requested three items of information:

- (1) "the amount of funds that would be needed in order for the Judicial Branch to assume the responsibilities of the United States Trustees' program under the Bankruptcy Reform Act of 1978, if funds for that pilot project were eliminated from the Department of Justice budget";
- (2) "current budget requests for trustee coordinators in non-pilot districts"; and
- (3) "a description of the duties of a trustee coordinator".

Let me respond to the three requests in reverse order.

Item (3):

In creating the United States Trustee program in 1978 Congress stated a clear intention to eliminate from the scope of a bankruptcy judge's responsibilities the performance of certain administrative tasks. A full spectrum of administrative functions was therefore vested in U.S. Trustee offices. The 1978 Reform Act, however, did not *expressly* transfer similar functions from bankruptcy judges to any other entity in districts other than the eighteen pilot districts established for the U.S. Trustee program. Given Congress' stated views, the Administrative Office sought, and obtained, Appropriations Committee approval for additional court *clerical* positions in non-trustee districts, intending to call upon incumbents serving in those positions for the performance of many of the administrative tasks which Congress had removed from bankruptcy judges.

Honorable Peter W. Rodino, Jr.
page two

When the Administrative Office first requested those additional positions, the proposed title for incumbents was "trustee coordinator". Because members of the Director's Advisory Committee (for implementation of the Reform Act) felt that that title might lead to assumptions that the incumbents' duties were more extensive than they in fact were intended to be, that title was changed to "Deputy Clerk-Estate Administration" on October 27, 1980. In seeking authority to expend appropriations for extra clerical positions, I was merely exercising standing authority conferred under Chapter 41 of Title 28; I was not attempting to create a new position requiring substantive legislative authorization. The administrative functions had to be performed. Congress had clearly expressed the view that bankruptcy judges not perform them. Deputy clerks of court could perform them.

Regrettably, just as members of the Advisory Committee had anticipated, the proposed title of "trustee coordinator" had been misunderstood. Within two weeks of the Committee's decision to change the title, Representative Don Edwards expressed his opposition to the position. Judge Robert E. DeMascio, Chairman of the Judicial Conference's Committee on Bankruptcy Administration, immediately wrote to Congressman Edwards explaining why appropriations authority had been sought. A copy of Judge DeMascio's November 17, 1980 letter to Congressman Edwards is enclosed. Also enclosed is a copy of the "job description" for the position "Deputy Clerk-Estate Administration", which delineates the duties which may be performed by incumbents in that position.

Item (2):

For fiscal year 1981 the Administrative Office requested 125 deputy clerk positions to be assigned to "Deputy Clerk-Estate Administration" use. Seventy-four such positions were approved, one for each of the "non-trustee" districts, at a *partial year* cost of 1.6 million dollars. For fiscal year 1982 the Administrative Office has again requested the fifty-one additional positions not approved for fiscal year 1981. The total *full-year* cost for all 125 positions would be 4.3 million dollars.

Item (1):

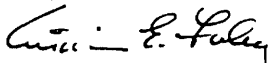
If funds for the pilot project are eliminated from the Department of justice budget, the Administrative Office estimates that thirty-nine additional "Deputy Clerk-Estate Administration" positions will be needed in the eighteen "pilot districts" at an additional *full-year* cost of 1.4 million dollars. See enclosed budget estimate summary. Let me emphasize, however, that we have never equated the duties of the "Deputy Clerk-Estate Administration"

Honorable Peter W. Rodino, Jr.
page three

with those of the pilot U.S. Trustee offices. Those duties which those offices are now performing *other than* duties delineated in the enclosed "job description" *may* all be assumed by existing Judicial Branch personnel (i.e., bankruptcy judges) or private trustees. No additional funding would be necessitated for the performance of those duties. If those additional duties are to be assumed by bankruptcy judges, however, given Congress' intention when the Reform Act was passed, you may wish to consider the need for amendments to the Reform Act. While the performance of the additional duties is *realistically possible* by individuals other than those employed by U.S. Trustee offices, we question the extent to which that performance would be *legally authorized* under existing provisions in the Reform Act. We do not believe cancellation of appropriations authority for U.S. Trustee offices will automatically confer substantive authority in the office of bankruptcy judge.

I hope this material is responsive to your March 6 inquiry. If this office may be of further assistance to you, please have a member of your staff notify Bill Weller in our Legislative Affairs Office at 633-6040.

Sincerely yours,



William E. Foley
Director

Enclosures

United States District Court
For the Eastern District of Michigan
Detroit 48226

CHAMBERS OF
ROBERT E. DIMASCIO
JUDGE

November 17, 1980

Honorable Don Edwards
House of Representatives
Washington, D. C. 20515

Dear Mr. Edwards:

When I learned from Bill Weller that you were somewhat piqued over a budget item for the trustee coordinator position, I offered to come to Washington to discuss the matter with you. Had we met, I would have emphasized that we were motivated solely by a desire to assure the successful administration of the Bankruptcy Reform Act during the transition period. We think this item will supplement the clerical support needed for effective estate administration intended by the Act. We did not intend an "end run" around the Act. I assure you that I share your concern for a valid test of the U.S. Trustee pilot project.

As proposed, the "trustee coordinator's" principal concern is with estate administration. This anticipated position will not conflict with the House Report on H.R. 8200 or the 1973 Report of the Commission on Bankruptcy Laws. For example, the "trustee coordinator" is not authorized to direct a panel trustee to take or not take action during the administration of an estate. He would only ascertain that the action taken by a panel trustee is consistent with the provisions of the Bankruptcy Reform Act. Incidentally, at its meeting on October 27, 1980, the Director's Advisory Committee (created under the Bankruptcy Reform Act) unanimously recommended that the title of this budget item be changed to "Deputy Clerk, Estate Administration." I personally agreed with the Committee that this title is more descriptive of the position we envisioned.

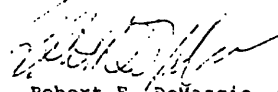
Honorable Don Edwards
Page Two
November 17, 1980

I am confident that you share our concern for a successful and scandal-free bankruptcy system during this transition period. As you know, the insignificant compensation paid to panel trustees gives them a tendency to procrastinate their case administration. Under the old act, the bankruptcy referee could motivate private trustees to diligently perform their duties. There is no provision for this kind of supervision or motivation in non-pilot districts. Since the Bankruptcy Reform Act precludes a bankruptcy judge from supervising administrative tasks, bankruptcy estates are unprotected. The clerical support the suggested budget item will provide can fill that void.

You are aware of the abuses that can occur when private trustees are not supervised. There was much testimony given before the Committees of Congress and the Commission describing these abuses. I believe that the budget item we have suggested is an essential clerical addition to assure trouble-free administration of the Bankruptcy Reform Act.

Although we could not meet, I am hopeful that this communication adequately expresses my views about this budget item, which I am sure are contrary to the advice you are now receiving.

Sincerely yours,



Robert E. DeMascio, Chairman
Judicial Conference Committee
on Bankruptcy Administration

cc: Mr. William Foley
✓ Mr. William Weller
Mr. Berkeley Wright

DEPUTY CLERK--ESTATE ADMINISTRATIONDEFINITION

The Deputy Clerk--Estate Administration is responsible for all matters related to managing trustees and trustee related activities.

OCCUPATIONAL INFORMATIONA. Liaison:

Serves as chief liaison officer of the Clerk of the Bankruptcy Court with the Administrative Office on all matters related to trustee qualification, selection, performance and discipline between the office of the Clerk and trustee on administrative matters. As liaison, the Deputy Clerk--Estate Administration:

1. Makes continuing assessment of panel size and structure and makes recommendations to the Administrative Office as appropriate.
2. Recruits trustee applicants on behalf of the Administrative Office in order to maintain highly qualified selection pools.
3. May conduct preliminary investigation on trustee matters when trustee misconduct is suspected and make such reports and referrals as necessary for remedial action.

B. Assignment Practices:

Develops and monitors trustee qualifications to serve in specific cases. The Deputy Clerk--Estate Administration:

1. Assists the Clerk in the development of trustee case assignment procedures to insure trustees are qualified for the cases to which assigned and available for service when and where needed.
2. If authorized by local rule, may make appointment of panel trustees to routine cases and recommend the appointment of qualified trustees in special cases.
3. Assists the court in determining the adequacy of trustee bonds and the sufficiency of the surety on such bonds.
4. Develops forms and coordinates paperwork associated with qualifications and assignment practices.

C. Supervision of Trustees:

Oversees performance of both panel and non-panel trustees, debtors-in-possession and all other fiduciaries serving in all cases under chapters of the

code. In exercising these responsibilities, the Deputy Clerk--Estate Administration:

1. Develops and implements an activity-reporting and case management system that will provide timely information on the status of, or the progress made in the administration of estates under Chapter 7 liquidation, Chapter 11 reorganization and in Chapter 13 cases to the extent delegated by the court to assure effective and efficient case administration.
2. Through review of the reports received under the foregoing system, monitors the progress of liquidation or reorganization of estates and other activities of fiduciaries such as adequacy of bonding, sufficiency of sureties and fiscal procedure.
3. Drafts procedural requirements for trustees to insure that satisfactory progress is being made, to discuss substandard performances with fiduciaries, and enforces established requirements. Where appropriate, assists in drafting, or recommends local rules of court.
4. In Chapter 11 cases, assists in organizing creditors' committees by preparation of such letters, notices, and background papers necessary to insure that committees are formed. Conducts initial meeting of creditors' committees until a chairman is elected. Advises the Clerk of the Bankruptcy Court regarding the financial status and prospectus for reorganization in all cases. Develops procedures to monitor cases filed under Chapter 11 of Title 11 to insure adequate progress. (This will require establishing special reporting requirements other than those in liquidation cases to insure as is necessary and proper that the court is informed of needed details of developments in Chapter 11 cases.)

D. Meetings of Creditors

Develops procedures for the conduct of meetings held pursuant to 11 U.S.C. Section 341. This requires the Deputy Clerk--Estate Administration to:

1. Establish and implement procedures for trustees, debtors in possession, attorneys, and all parties to the proceedings to follow in the conduct of meetings pursuant to 11 U.S.C. 341.
2. Preside at said meetings or provide guidance to those designated by the Clerk of the Bankruptcy Court who preside.
3. Aid the Clerk of the Bankruptcy Court in training of all court employees who may assist in the conduct of said meetings.

E. Technical Assistance:

Provide technical assistance and respond to questions of trustees and other fiduciaries, court employees, and the public regarding trustee and case administration matters. This requires the Deputy Clerk--Estate Administration to:

1. Respond to general inquiries of trustees regarding matters related to the administration of cases but not provide legal advice on specific actions to be taken by a trustee in a given case.
2. Call and conduct meetings with panel trustees on matters of mutual concern.
3. Regularly review, abstract, and distribute such federal and State decisions and law, regulations, etc., that may be of value to trustees.
4. This task may require liaison by the Deputy Clerk--Estate Administration with groups such as bar associations, creditor organizations, and public groups.

F. Training

Develop and implement such training of trustees as is necessary to provide effective and efficient case administration. This requires the Deputy Clerk--Estate Administration to:

1. Conduct formal training seminars and workshops for trustees on such topics as the law and techniques for liquidation.
2. Attend and participate at all programs presented by the Administrative Office and the Federal Judicial Center for Deputy Clerks--Estate Administration.

G.

Perform such other duties or services as the Clerk of the Bankruptcy Court deems necessary to carry out the mandates and intent of the Congress within the scope of the functions outlined therein.

ORGANIZATIONAL RELATIONSHIPS

The Deputy Clerk--Estate Administration is a staff position and reports directly to the Clerk.

QUALIFICATIONS

To qualify for the position of Deputy Clerk--Estate Administration a person must be a college graduate with a degree in one of the law, business, court administration, or other similar disciplines, and must have the following experience:

<u>JSP Grade Level</u>	<u>Years of General Experience</u>	<u>Years of Specialized Experience</u>	<u>Total Years of Experience</u>
9	NA	2	2
11	NA	3	3
12	NA	3	3
13	NA	3	3

Note: For grade 11, one year of the required specialized experience must have been at, or equivalent to, the second lower grade in the federal service. Above grade 11, one year must have been at, or equivalent to, the next lower grade.

Specialized Experience

Progressively responsible experience in the practice of law, in legal research, legal administration, or experience that has provided the opportunity to acquire and the need to apply an extensive body of practical and theoretical knowledge of the principle functions and processes of management and a working knowledge of the bankruptcy system. This experience must be gained outside the office of the Clerk.

Educational Substitutions

Completion of a master's degree in an accredited university in business administration, public administration, judicial administration, court administration, accounting or a Juris Doctor (JD) degree is considered qualifying for grade 9.

Budget Requests Approved or Pending
To Provide for the Supervision of Trustees
In Non-Pilot Districts

Approved by Congress in Fiscal Year 1981

74 - deputy clerks (estate administration) salaries and expenses (for a portion of year-7 months funding).....	\$1,455,000
Space.....	<u>146,816</u>
Sub Total.....	<u>\$1,601,816</u>

Pending Congressional Approval

Fiscal Year 1981 Pay Cost Supplemental for positions approved in 1981.....	\$ 142,000
Cost to annualize the 74 deputy clerks estate administration approved in fiscal year 1981.....	738,000
Additional 51 deputy clerks (estate administration) Salaries and expenses.....	1,767,000
Space.....	<u>101,184</u>
Sub Total.....	<u>\$2,748,184</u>
Total full year costs of 125 positions.....	<u>\$4,350,000</u>

Estimated Cost to the Judicial Branch
To Perform The Functions of the United States Trustees'
In the 18 Pilot Districts

39 deputy clerks (estate Administration) Salaries and Expense.....	\$1,351,198
Space.....	<u>77,376</u>
Total.....	<u>\$1,428,574</u>

NINETY-SEVENTH CONGRESS

PETER W. RODINO, JR. (D-N.J.), CHAIRMAN

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 DAN LINDEN, CALIF.
 F. JAMES SCHNEIDER, N.J.
 SUE MC DILLON, FLA.

Congress of the United States
 Committee on the Judiciary
 House of Representatives
 Washington, D.C. 20515
 Telephone: 202-225-3851

March 6, 1981

Mr. William E. Foley
 Director
 Administrative Office of the
 United States Courts
 Washington, D. C. 20544

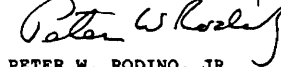
Dear Mr. Foley:

The Committee on the Judiciary would appreciate your comments concerning the amount of funds that would be needed in order for the Judicial Branch to assume the responsibilities of the United States Trustees' program under the Bankruptcy Reform Act of 1978, if funds for that pilot project were eliminated from the Department of Justice budget.

Additionally, the Committee would appreciate receiving information regarding the Administrative Office's current budget requests for trustee coordinators in non-pilot districts and a description of the duties of a trustee coordinator.

I look forward to your early reply to this request.

Sincerely,



PETER W. RODINO, JR.
 Chairman

PWR:emd

WEDNESDAY, MARCH 25, 1981.

U.S. MARSHALS SERVICE

WITNESSES

WILLIAM E. HALL, DIRECTOR

LLOYD A. BASTIAN, ASSISTANT DIRECTOR FOR PLANNING, BUDGET
AND ADMINISTRATION

HOWARD SAFIR, ASSISTANT DIRECTOR FOR OPERATIONS

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. SMITH. We will now consider the fiscal year 1982 appropriation request for U.S. Marshals Service. Mr. William Hall is the Director.

Mr. HALL. On my left is Mr. Bastian, and to his left is Mr. Safir.

Mr. SMITH. Your request totals \$100,946,000, a decrease of \$2,975,000. Do you have a statement?

GENERAL STATEMENT

Mr. HALL. Yes, I do. I could submit it for the record and summarize.

[Mr. Hall's prepared statement follows:]

Department of Justice
United States Marshals Service

STATEMENT OF WILLIAM E. HALL, DIRECTOR,
BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS FOR
THE DEPARTMENTS OF COMMERCE, JUSTICE, STATE
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before the Subcommittee today in support of the Fiscal Year 1982 appropriation request for the United States Marshals Service. This request provides for 1,968 positions and \$100,946,000 which is a net decrease of \$2,975,000 and 209 positions below the anticipated appropriation of 2,177 positions and \$103,921,000 for Fiscal Year 1981.

Included in this request is \$4,376,000 for uncontrollable increases and a \$4,675,000 decrease for non-recurring costs for the Federal Telecommunications System (FTS) and a pending 1981 supplemental request. This 1982 appropriation request provides for increases of \$274,000 for the Witness Security Program; \$221,000 for U.S. Marshals Training; \$1,000,000 for Handling of Federal Prisoners; and, \$679,000 and four positions for Automated Data Processing and Communications systems. Also included are program decreases for: 135 positions and \$3,046,000 in Security Support; 30 positions and \$1,367,000 in Execution of Process and Court Orders; 2 positions in Witness Security; 9 positions and \$209,000 in Executive Direction and Control; 10 positions and \$228,000 in Administrative Services; and, 27 unfunded positions in the Supervision of Unsentenced Prisoners program.

Security Support

The reduction of 135 positions and \$3,046,000 will reduce the presence of deputies in court during non-dangerous civil trials.

Execution of Process and Court Orders

The reduction of 30 positions and \$1,367,000 are net of program increases of \$425,000 to replace aging radio communication equipment, \$75,000 to establish an informant fund, and a decrease of \$1,867,000 which is the effect of reductions to the service of private process program made in 1981 and savings due to an anticipated increase in the number of process that will be served by certified mail.

Witness Security

The requested increase of \$274,000 is required to augment and enhance the witness security computerized records system. The additional funds are necessary to acquire word processing and records retrieval systems to improve productivity and lessen the paperwork burden created by this program. To achieve a reduction in the administrative support area, two positions were eliminated.

U.S. Marshals Training

The requested increase of \$221,000 is required to support non-basic advanced training conducted at the Federal Law Enforcement Training Center in Glynco, Georgia. This increase

is brought about by a change in the center's policy regarding reimbursement to participating agencies of most training expenses. Beginning in 1982, the center will only reimburse participating agencies for costs associated with basic training.

Handling of Federal Prisoners

The requested increase of \$1,000,000 is to provide for the acquisition and operation of surplus government aircraft needed to expand the National Prisoner Transportation System airlift capacity.

Supervision of Unsented Prisoners

The budget request eliminates 27 positions in the Supervision of Unsented Prisoners program that were authorized but never funded or filled.

Executive Direction and Control

The reduction of 9 positions and \$209,000 provides for a decrease in administrative support to correspond with the proposed program reductions.

Administrative Services

The requested increase of \$451,000 and the decrease of six positions are net of program increases of four positions and \$679,000 for the Administrative Services Program and a reduction of ten positions and \$228,000 to achieve a reduction

in administrative support to correspond with the reductions proposed for programs of the Service. The \$679,000 will be used to further develop and begin implementation of the Service's data processing system master plan, improve the Merit Promotion System, expand the Affirmative Action Program and enhance the Network Communications System throughout the Service.

Legislative Proposal

The administration is proposing a major program initiative which will amend the code of the District of Columbia to relieve the Marshals Service of the responsibility for serving the Superior Court of the District of Columbia. The legislative proposal, if approved, will result in a reduction of 88 positions and \$3,855,000 from the Service's 1982 request.

Support of United States Prisoners

The Service is also requesting \$25,600,000 for the Support of United States Prisoners appropriation in 1982, this is an increase of \$3,000,000 over the amount currently available for the Fiscal Year 1981. The request will enable the Service to house an average of 3,000 prisoners per day at a daily per capita cost of \$23.53.

This concludes my prepared statement, Mr. Chairman. I shall be pleased to answer questions you or members of the Subcommittee may wish to ask.

Mr. HALL. I am pleased to have the opportunity to appear before the subcommittee today in support of the fiscal year 1982 appropriation request for the United States Marshals Service. This request provides for 1,968 positions and \$100,946,000, a net decrease of \$2,975,000 and 209 positions.

Included is \$4,376,000 for uncontrollable increases and \$4,675,000 decrease for nonrecurring costs for the Federal Telecommunications System, and a pending 1981 supplemental request. This 1982 appropriation request provides for increases of \$274,000 for the witness security program; \$221,000 for U.S. Marshals Service training; \$1 million for handling of Federal prisoners, and \$679,000 and 4 positions for automatic data processing and communications systems.

Also included are program decreases for 135 positions and \$3,046,000 in security support, 30 positions; \$1,367,000 in execution of process and court orders, 2 positions in witness security, 9 positions and \$209,000 in executive direction and control, 10 positions and \$228,000 in administrative services, and 27 unfunded positions in the supervision of unsentenced prisoners program.

I would be happy to answer any questions you may care to ask.

JUDICIAL SECURITY SUPPORT

Mr. SMITH. You have proposed a reduction of 135 positions in security support. Do the Federal district judges have a say as to whether you provide security support?

Mr. HALL. Yes, they have a great deal to say. We anticipate this reduction being accommodated by eliminating deputy marshals from nondangerous civil trials.

Mr. SMITH. By not using deputy marshals in nondangerous civil trials?

Mr. HALL. That is correct.

Mr. SMITH. Have the judges indicated that they will go along with this approach?

Mr. HALL. Some have indicated a willingness to accommodate this. Some have indicated opposition to it.

Mr. SMITH. What do you do if a judge doesn't want to remove the support? Does he order the marshal to provide the support anyway?

Mr. HALL. The judge, under the United States Code, has the authority to order the presence of United States marshals in court in any type of judicial proceeding. We hope to reach an accommodation on this. The Attorney General has indicated that he is going to meet with Chief Justice Burger in an effort to reach an agreement with the Judiciary that will facilitate this reduction.

Mr. SMITH. So this is another case where it really hasn't been worked out yet with the Judiciary?

Mr. HALL. Not entirely, no.

SERVICE OF PROCESS FOR INDIGENTS

Mr. SMITH. You have also requested a 30-position reduction in execution of processing court orders. Will the marshals still be available to serve process for indigent clients?

Mr. HALL. Yes. We have never envisioned a situation where the Marshals Service would not serve indigent process.

POTENTIAL FOR JUDICIAL SECURITY SUPPORT SUPPLEMENTAL

Mr. SMITH. What happens if the courts do not go along with your reduction in security support; would you submit a supplemental?

Mr. HALL. That is entirely possible.

Mr. SMITH. Is there any indication when we will know whether you are going to ask for supplemental?

Mr. ROONEY. At this time we have no intention of submitting any supplementals, Mr. Chairman. On this particular matter on security support, the prior administration had been in communication with the district chief judges to encourage them to eliminate the excessive use of marshals at nondangerous civil trials, and it has been a considerable drain on the marshal's resources. We are hopeful, this administration is hopeful, that the Attorney General, working with the Chief Justice, can be more effective in discouraging that practice.

Mr. SMITH. But you don't know at this point?

Mr. HALL. We really don't.

Mr. SMITH. The Judiciary has never indicated they will go along?

Mr. ROONEY. That is true. In fact, Mr. Hall said in 78 districts they are under court order to appear at all trials.

Mr. SMITH. Mr. Early.

Mr. EARLY. Thank you.

ACQUISITION OF AIRCRAFT

Mr. Hall, you have requested \$1 million for the acquisition and operation of surplus government aircraft. How much do you currently spend on transporting prisoners?

Mr. HALL. On transporting prisoners?

Mr. EARLY. By commercial aircraft.

Mr. HALL. Commercial aircraft is a very expensive way of transporting prisoners, and we do not feel like it is nearly as effective as transporting by charter aircraft, which is the process which we have been using.

Mr. EARLY. Why don't you supply for the record how much it costs you to use commercial aircraft?

Mr. HALL. I will be happy to. There is a considerable savings, though, I think approximately one third, and I will submit the exact figures for the record.

[The information follows:]

COMMERICAL AIRCRAFT COSTS

Through the U.S. Marshals Service National Prisoner Transportation System (NPTS), during the first five months of fiscal year 1981 (October 1980-February 1981), \$568,000 was obligated for GTR costs for Commerical Air movement of prisoners, with an average cost per prisoner of \$689. During the same five months, \$577,000 was obligated for NPTS airlift charter movements of prisoners, at an average cost of \$184 per prisoner.

Mr. EARLY. Do you have the personnel to operate the aircraft?

Mr. HALL. Yes, we do.

Mr. EARLY. Do you have a pilot?

Mr. HALL. We have pilots that would have to be qualified in the particular aircraft we hope to acquire. They have the proper licenses; but would have to be trained for the specific aircraft.

Mr. EARLY. What does he do now while you don't have an airplane?

Mr. HALL. He is a regular deputy marshal. These are regular deputy marshals that have the proper licenses.

Mr. EARLY. Do you know how much it will cost to acquire the surplus aircraft?

Mr. HALL. The expense will not be in the actual acquisition. The expense will be in bringing them up to safety standards and to accommodate modifications for transporting of prisoners.

INFORMANT FUND

Mr. EARLY. I also see you have \$425,000 for an informant fund. Do you have an informant fund now?

Mr. HALL. Mr. Early, that is \$75,000, I believe.

Mr. EARLY. \$75,000?

Mr. HALL. Yes, and we do not have an informant fund now. We feel that this would be of great benefit to our fugitive program to have an informant fund on a pilot basis. It is a very modest figure, and we wanted to go slow to see how it works.

Mr. EARLY. It is a modest figure but I wonder how much you can really benefit from such a modest figure?

Mr. HALL. We feel like we can if we use it in certain areas. If we try to spread that amount of money over the entire system, of course it would not be of any benefit, but if we used it for special cases I think it would be.

Mr. EARLY. Have you spent any money over the past three years on informants?

Mr. HALL. No, we have not.

JUDICIAL SECURITY SUPPORT

Mr. EARLY. Last year I think you requested additional funding for protection of the courts. You are cutting back now?

Mr. HALL. The emphasis has got to be toward the really dangerous areas, and the actual personal security, and we are involved heavily in the physical protection of judges where there is a threat, and we feel like this is a proper expenditure of our resources. But we feel like the emphasis should be to where there is a bona fide substantiated threat as opposed to the nondangerous civil trials where we are using a lot of our manpower resources.

MOVEMENT OF FEDERAL PRISONERS BY MILITARY AIRCRAFT

Mr. EARLY. Do you ever use military planes or transportation of any kind?

Mr. HALL. The Posse Comitatus Act makes the military skittish in letting us use it.

Mr. EARLY. They are skittish on letting anyone use anything, but wouldn't it be more practical to try to change that?

Mr. HALL. If the proper agreements and legal impediments could be resolved, it would be a more practical approach.

Mr. EARLY. They have to fly those routes anyway.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. I have no questions.

[The following questions were submitted for the record by Chairman Smith, Mr. Alexander, and Mr. Campbell:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

U.S. Marshals Position Reductions

Would the reduction of 27 positions have an effect on the Pre-trial Diversion program which may increase in use because of proposed reductions in positions for the Assistant U.S. Attorneys?

The 27 position reduction in Supervision of Unsented Prisoners are unfunded and unfilled positions and will have no programmatic impact.

Are these proposed reductions in addition to the transfers of U.S. Marshals to the District of Columbia?

Yes. An additional 88 positions and \$3,855,000 would be reduced in the event the legislative proposal is enacted to remove the Marshals Service from responsibility for supporting the Superior Court.

Leased Aircraft

In your statement you mentioned an increase of \$1,000,000 to provide for the acquisition and operation of surplus government aircraft. Page 88 of the original justifications states that agency-owned aircraft operating costs are estimated to be one-half the cost of leased aircraft. If that statement is correct, why did the Marshals Service enter into leasing contracts in 1979 and 1980 for aircraft to move federal prisoners?

The Marshals Service entered into leasing arrangements in 1979 and 1980 because the Service's authority to own and operate agency-owned aircraft was not passed until the 1981 Continuing Resolution—P.L. 96-536.

Witness Security

In your statement you also mentioned the \$274,000 increase requested to expand the capability of the Witness Security Centralized Data Information Center. There have been persistent complaints concerning the Witness Security program and the increasing program costs. Would this increase enable the Service to provide a comprehensive set of information and data concerning operations and results?

Yes, the additional capability is essential to providing comprehensive storage and compilation of program operations and results.

Communications Equipment

The justifications also indicate that you are requesting \$500,000 for replacing radio equipment and establishing an information fund.

With respect to the \$425,000 for replacement of radios, is this a normal cyclical replacement of worn-out equipment?

Yes. A radio communications plan for the Marshals Service has established a normal replacement cycle for all radio communications equipment which has outlived its useful life to prevent extensive repairs on outdated and outmoded equipment. The additional funds requested will provide for the replacement of urgently needed equipment only.

You are also requesting four additional positions and \$679,000 for your Communications program and ADP program. How many positions are assigned currently to both these programs? Why can't you reallocate some of these resources to meet your additional needs?

There are presently three (3) authorized positions in the 1982 budget for ADP management support and one (1) for network communications. Due to lack of positions throughout the Service and the technical nature of the positions, additional positions are necessary to develop a multi-purpose ADP system and enhance the network communications system.

Service of Private Process

I believe the present budget request for U.S. Attorneys and Marshals reflects a reduction of \$1,451,000 for discontinuance of service of private process. What is your assessment of successful Congressional action on this proposal this time?

The prospect of successful passage of legislation to eliminate the service of private process at this time cannot be assessed. The Administration believes that the service of private process function is one which can be performed by the private sector. Further, the elimination of this subsidized service to private litigants will result in lower federal expenditures and a lower level of federal employment.

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Supplemental Request

The revised budget request of \$6,371,000 reflects a decrease of \$2,497,000 from the original supplemental request. Why are you requesting a reduction and what are the elements of the reduction?

Subsequent to the initial submission of the 1982 supplemental, it was determined that \$2,497,000 could be reprogrammed from the U.S. Attorneys and the Bankruptcy Trustees to help fund the \$8,868,000 supplemental requested for the Marshals Service. As a result of the President's Program for Economic Recovery, the U.S. Attorneys will absorb \$737,000 in employment reductions and the Bankruptcy Trustee program will absorb \$1,760,000 of previously scheduled costs.

How many of the 75 positions in the U.S. Attorneys and Bankruptcy Matters are filled at the present time?

The 75 reduction for the U.S. Attorneys and Bankruptcy Matters represents workyears not positions. The two organizations will generate about 75 workyears of personnel savings due to the hiring limitation in effect prior to November and the hiring freeze initiated last November prior to the issuance of revised personnel ceilings.

Why are you requesting an additional \$1,350,000 to maintain the service of private process programs? Why can't we phase that program out immediately?

The additional resources will maintain a reduced ability to serve private process until the necessary legislation is enacted allowing the Marshals Service to terminate this function. It will also permit the Service to reduce the numbers of on-board personnel through attrition rather than through a reduction-in-force.

Why do you have to pay an additional \$564,000 to GSA for standard level user charges?

The FY 1981 appropriation provides \$7,659,000 for standard level user charges to be billed via SIBAC by GSA. A review of cost changes submitted as a part of the FY 1982 Federal buildings fund projection revealed a deficit projection of \$564,000 in FY 1981. This deficit was largely caused by significant changes in cost for Atlanta, Georgia; Columbia, South Carolina; Honolulu, Hawaii as well as the Headquarters office at Tysons Corner, McLean, Virginia.

QUESTIONS SUBMITTED BY CONGRESSMAN ALEXANDER

Movement of Nuclear Weapons

On page 60 of the justification material submitted in support of the FY 1982 budget request the "accomplishments" of the enforcement operations program are listed. Among those mentioned is the provision of "security assistance" for "1,000 movements of nuclear weapons".

What, precisely, are we talking about there and if this is in co-operation with the Department of Defense, does the DOD compensate the Marshals Service for its assistance?

Pursuant to a Memorandum of Understanding between the U.S. Marshals Service and the United States Air Force, the Marshals Service provides personnel to the Air Force to ensure security during the movement of nuclear weapons. Our primary role in these movements is to provide liaison between the Air Force and local authorities and to secure the unobstructed transport of the weapon.

The Marshals Service allocates 12 Deputy U.S. Marshals positions to this mission.

The Air Force reimburses the Marshals Service for costs incurred by these movements. In FY 1981, it is projected that \$250,000 will be reimbursed to the Marshals Service by the Air Force for these details.

Service of Private Process

A number of times since these hearings began on the operation and budget of the Department of Justice, the Committee has been told that although the Administration is requesting no funds for the service of private process by U.S. Marshals in FY 1982 the Marshals Service, by law, still has that responsibility. Although the authorizing law remained the same this year, the Congress did not provide FY 1982 funding for this function.

- a) What has been the impact on the Marshals Service since no FY 1981 funding for this function was provided and what will be the impact if Congress approves your appropriation request but still does not change the authorizing law?*
- b) In terms of staffing, how is the Marshals Service handling its responsibilities for private process service?*

The Marshals Service has a supplemental appropriation request pending to restore a portion of the funding reduced from the 1981 request. These additional funds will permit the orderly phase out of the program. However, service to indigents would still be performed.

The approval of the appropriation request without a change in the authorizing law would enable the Marshals Service to continue to endeavor to service 77.5 percent of all private process received, as in FY 1980.

Courtroom Security

During his appearance before the Committee, Attorney General Smith said that he hopes to reduce the workload of the U.S. Marshals Service by working out an agreement which would limit the number of federal judiciary proceedings at which the Service must provide court security. There are now in force in 78 jurisdictions court orders requiring the Service to provide deputies in the courtroom for all proceedings.

- a) Has the growth in the number of Marshals kept pace with the growth in the federal judiciary?*
- b) If agreement between the Attorney General and the federal judiciary cannot be reached to reduce the court security responsibilities of the Marshals Service, what will be the impact on the Service and on the other duties of the Service?*

The number of Deputy Marshals has not kept pace with the growth in the federal judiciary.

In 1978 there were 1,293 Deputy Marshals and 1,410 federal judges and magistrates. By the end of FY 1982, as a result of the FY 1981 and proposed FY 1982 position decreases, there will be 1,115 Deputy Marshals and an estimated 1,718 judges and magistrates.

Marshals now do not have a sufficient number of personnel to comply with all requests for court presence including attendance at court trials. Other operational duties are now being impaired and this situation will increase as more judges are added and fewer Deputy Marshal positions are available.

QUESTIONS SUBMITTED BY CONGRESSMAN CAMPBELL

Has the U.S. Marshals office been relieved of serving private process? It is my understanding that a provision to do so last year was overturned in the Senate under a FY 1981 Supplemental, under which 257 positions were to be eliminated in the process. Yet, this provision was not eliminated and the 257 positions were, creating a major problem in the marshal's office with increased responsibilities and not enough personnel to carry them out.

Legislation has not yet been enacted relieving the Service of responsibility for serving private process although positions and partial funding for this program have been deleted from the 1981 budget. The 1981 supplemental request includes \$1,350,000 to allow an orderly phase-out of the employees currently on-board in the program.

Has the number of U.S. Marshals kept pace with the number of federal judges? Again, it is my understanding that federal judges are not required to keep U.S. Marshals in their courtrooms, but nearly all of them do so. Isn't the Marshal required to stay if so ordered by the judge? If this is the case, with more federal judges appointed in the last two years and with the unexpected loss of 257 positions in FY 1981 and another 158 expected to be eliminated in FY 1982, with no language as yet eliminating the requirement to stay in a federal courtroom if asked by a federal judge, this would obviously impair the duties asked of the remaining Marshals, namely serving warrants, protecting witnesses, searching for escaped prisoners, and serving parole and probation violations. Could you please enlighten me on this potential problem?

The number of deputy marshals has not kept pace with the number of federal judges or the demands of the judiciary for the presence of marshals at court sessions.

In 1978 there were 1,293 deputy marshals and 1,410 federal judges and magistrates. By the end of FY 1982, as a result of the FY 1981 and proposed FY 1982 position decreases, there will be 1,115 deputy marshals and about 1,700 judges and magistrates requiring court support.

By Statute (28 USC 569 (a)), the marshal or his deputy may be required to attend any session of court when so requested by the judges. The problem, at present, is that marshals do not have a sufficient number of personnel to comply with all requests for court presence, including formal court orders. Other operational duties are now being impaired and this situation will worsen as more judges are added and fewer deputy marshal positions are available.

WEDNESDAY, MARCH 25, 1981.

SUPPORT OF UNITED STATES PRISONERS

Mr. SMITH. We will now consider this fiscal year 1982 appropriation request for Support of U.S. Prisoners.

We will insert the original justification materials as well as the amended materials at this point in the record.

[The justifications follow:]

Legal Activities
Support of United States Prisoners
Estimates for Fiscal Year 1982
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Legal ActivitiesSupport of United States PrisonersSummary StatementFiscal Year 1982

The Support of United States Prisoners is requesting, for 1982, a total of \$28,600,000. This request represents an increase of \$6,000,000 over the anticipated 1981 appropriation.

The primary purpose for the appropriation is to promote the care of federal prisoners in Marshals Service custody housed in contract detention facilities at a level of confinement consistent with federal detention standards. Contracts will be made with state and local authorities in 1982 for use of approximately 800 jail facilities to house unsentenced prisoners prior to and during trial, detained witnesses and sentenced prisoners for up to 30 days after judgement. In addition, the program has the responsibility for asking maximum utilization of funds to provide for the safe, sanitary, and humane detention of federal prisoners.

There is only one activity in this appropriation, Care of U.S. Prisoners in Non-Federal Institutions. There is one program, Support of Federal Prisoners. It contains all the resources of the appropriation.

The 1982 request will enable the USMS to pay for 1,008,818 days of prisoner confinement and provide \$3,000,000 to support cooperative agreements for the upgrading of services, programs, and equipment and renovation of facilities in accordance with federal detention standards. Benefits accruing to state and local governments as a result of the upgrading of services, equipment or facilities are incidental to the federal government's primary requirement to accommodate its prisoners at acceptable standards. In 1982, intermittent deputy U.S. marshals (IDUSMs) will replace contract guards for hospitalized federal prisoners since the rate of pay for IDUSMs is usually less than the cost of contract guards. This activity will reimburse the attorneys and marshals appropriation for the use of IDUSMs. It is anticipated that federal excess property (uniforms, clothing, medical, food service and laundry equipment, emergency electrical generators, etc.) will be acquired by the local facility contractors thereby reducing the requirement to purchase new property. Cooperative agreements will be made with state and local authorities which will promote the acceptance of federal prisoners for detention, and stimulate and encourage such agencies to improve the level of housing and care afforded prisoners.

Support of United States Prisoners

Proposed Authorization Language

The following authorization language is requested for Support of United States Prisoners:

For Support of United States prisoners in non-Federal institutions, including -

- (A) necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a);
- (B) entering into contracts or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof, for the necessary physical renovation, and the acquisition of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General and which are comparable to the regulations issued under section 4006 of title 18, United States Code;

\$28,600,000.

Legal Activities

Support of United States Prisoners

Justification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Support of United States Prisoners

For support of United States prisoners in non-Federal institutions, (\$22,600,000).

Provided, that not to exceed \$28,600,000; \$3,000,000 shall be available for the purpose of renovating and equipping state and local jail facilities which confine Federal prisoners

Explanation of changes

The proposed additional language restricts the amount the U.S. Marshals Service may spend for jail renovations under whatever legislative authority may be approved. The funds will be used to rehabilitate and to equip detention facilities, not to construct detention facilities. In the Senate Report 96-786, Authorization Act, Fiscal Year 1981, the Committee on the Judiciary approved authority to enter into contracts on cooperative agreements for facilities which confine federal detainees.

Legal Activities

Support of United States Prisoners

Grosswalk of 1981 Charges
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Supplementals Requested Program			1981 Appropriation Anticipated		
	Pos.			Pos.			Pos.			Pos.		
	WY	Ant.		WY	Ant.		WY	Ant.		WY	Ant.	
Care of U.S. prisoners in non-Federal institutions Support of Federal prisoners...	\$22,600	...	...	...	...	...	...	...	...	\$22,600

Legal Activities

Support of United States Prisoners

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Care of U.S. prisoners in non-Federal institutions	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Support of Federal prisoners.....	...	\$22,600	...	\$24,702	...	\$28,600	...	\$3,898

Long-Range Goal: To provide for the care, housing, and safekeeping of federal prisoners in the custody of the U.S. Marshals Service (USMS) at a level of subsistence which meets federal standards for detention or holding facilities.

Major Objectives:

To provide funding for the care, custody and safekeeping of all Marshals Service unsentenced federal prisoners detained in non-Federal facilities at a level of subsistence which meets the standards for detention or holding facilities.

To provide funding under cooperative agreements which will encourage local governments to accept federal jail contracts and motivate local governments to improve the physical conditions of confinement and level of services provided inmates in accordance with federal detention standards.

To improve the health care services provided federal prisoners held in non-Federal facilities.

To ensure qualified custodial guard services necessary to provide adequate federal inmate custody and supervision are provided.

To negotiate additional private contracts for the housing of dependents of alien material witnesses.

To acquire more detention space in close proximity to the federal courts and reduce the expense of handling and moving prisoners within district.

Base Program Description: Beginning with 1978, the USMS assumed responsibility for the custody, care and medical needs of unsentenced federal prisoners and prisoners who are awaiting transfer to federal correctional institutions. This realignment in program responsibilities was designed in accordance with P.L. 95-96 to bring about greater accountability in the expenditure of funds for prisoner support. Charges to the Support of United States Prisoners appropriation are presently restricted to payments to state and local authorities for contract detention facilities used to house USMS prisoners, medical and health care services, and housing of dependents of alien material witnesses through negotiations with private organizations. Prisoners in the custody of the Marshals Service include unsentenced prisoners, sentenced prisoners awaiting initial transfer to correctional institutions and sentenced prisoners returned from correctional institutions for appearances at court proceedings.

Local jails are selected for federal contracts in specific geographical locations throughout the country to facilitate the arrest operations of federal law enforcement agencies and to provide detention space conveniently located to the federal courts, offices of U.S. attorneys and defense counsels. There is a critical shortage of prisoner jail space in many states. Numerous court orders have placed capacity ceilings on jails and have directed the improvement of services and conditions of confinement for inmates. Local jails under court mandates (frequently generated by federal prisoners) are reluctant to accept federal contracts, and in some instances direct that federal prisoners currently being housed in that facility be relocated. This problem has caused district personnel of the USMS to travel great distances and accept complicated "shuttling" of prisoners to various jails to meet the demands of producing prisoners in court on a daily basis.

Accomplishments and Workload: The accomplishments of this program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Contracts in force.....	800	800	800
Number of jail days used.....	1,031,571	1,025,877	1,036,000
Average jail day rate.....	\$18.34	\$18.96	\$20.32
Number of hospital days used.....	4,128	4,521	4,500
Average hospital day cost.....	\$230	\$221	\$233
USMS prisoners housed in federal institutions.....	N/A	302,290	340,000
Number of inspections performed.....	563	290	1,000
Number of facilities assisted by CWP.....	...	...	...
	...	...	45

Program Changes: An increase of \$1,000,000 will provide resources for the USMS Cooperative Agreement Program (CAP) for selected contract jails with emphasis being placed on high usage jails under court order. Benefits accruing to the contractor as a result of the upgrading of services, equipment or facilities are incidental to the government's primary requirement to accommodate federal prisoners at acceptable standards. Federal excess property (linens, clothing, medical, food service and laundry equipment, emergency electrical generators, etc.) is to be acquired by the local facility contractors thereby reducing the requirement to purchase new property. Cooperative agreements will be made with state and local

authorities which will promote the acceptance of federal prisoners for detention, and stimulate and encourage such agencies to improve the level of housing and care afforded prisoners. It is now uncertain whether Congress will pass the Department's 1981 authorizing legislation which includes authority for the improvement of contract jail facilities, but it is anticipated that the necessary authority can be obtained for 1982.

An additional increase of \$999,000 will enable the Marshals Service to expand the amount of detention space available in metropolitan areas. An additional 28,585 jail days would be provided in non-federal facilities, and 920 additional days of hospital care could be provided. This increase in funding would ensure that acceptable health care would be provided inmates; all expenses for these increased program levels will be incurred in object class 25, Other Services.

Legal Activities
Support of United States Priamers
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1981 Estimate Fiftyyears Amount	1982 Estimate Fiftyyears Amount	Increase/Decrease Fiftyyears Amount
11.8 Special personal services payments.....	...	...	...
Other objects:	...	...	...
25 Other services.....	21,877	27,840	5,963
26 Supplies and materials.....	15	17	2
41 Grants, subsidies, and contributions.....	28	28	...
Total obligations.....	22,600	28,600	6,000
Relation of obligations to outlays:			
Obligated balance, start-of-year.....	3,539	4,148	
Obligated balance, end-of-year.....	-4,148	-4,863	
Outlays.....	21,991	27,885	

DEPARTMENT OF JUSTICE
Legal Activities
Support of United States Prisoners
Proposed Amendment, Fiscal Year 1982
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Legal Activities
Support of United States Prisoners
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	\$28,600
Proposed amendment.....	-3,000
Revised request.....	25,600

710

Explanation of Request

This amendment reduces the 1982 request for Support of United States Prisoners. The request will eliminate funding for cooperative agreements with state and local governments for the renovation and the equipping of facilities that detain federal prisoners.

Legal Activities
Support of United States Prisoners
Summary of Requirements
(Dollars in thousands)

<u>Comparison by activity</u>	<u>1982 Request</u>		<u>1982 Proposed</u>		<u>1982 Revised</u>	
	<u>Pending</u>	<u>Perm.</u>	<u>Amendment</u>	<u>Perm.</u>	<u>Request</u>	<u>Perm.</u>
	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>	<u>Pos.</u>	<u>Amount</u>
Care of U.S. prisoners in non-federal institutions..	...	\$28,600	...	-\$3,000	...	\$25,600

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

	1982 Request		1982 Proposed		1982 Revised	
	Pending (Base)		Amendment		Request	
	Perm.	Amount	Perm.	Amount	Perm.	Amount
	Pos.		Pos.		Pos.	
Item: Cooperative agreement program...	...	-\$3,000	...	-\$3,000	...	...

The 1982 estimates include \$3,000 for the cooperative agreement program. This reduction eliminates funding for the cooperative agreement program. During the 1981 authorization process, the Department requested authority to conduct such a program but no funds were requested. Because Congress did not enact a 1981 Department of Justice Authorization Act, sufficient authority does not exist to proceed with this program. The Administration requests that necessary authority to conduct such a program be enacted in 1982 but proposes that additional funding for the program be deferred indefinitely.

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised
500-101

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SUPPORT OF UNITED STATES PRISONERS

Program and Financing (in thousands of dollars)

Identification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-1020-0-1-752			
<u>Program by activities:</u>			
Direct program:			
1. Care of U.S. prisoners in non-federal institutions.....	28,600	-3,000	25,600
Total, direct program.....	28,600	-3,000	25,600
10.00 Total program costs, funded- obligations.....	28,600	-3,000	25,600
40.00 <u>Budget authority</u> <u>(appropriation)</u>	28,600	-3,000	25,600
<u>Relations of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	28,600	-3,000	25,600
72.40 Obligated balance, start-of year	4,148	...	4,148
74.40 Obligated balance, end of year..	-4,863	...	-4,863
90.00 Outlays.....	27,885	-3,000	24,885

STANDARD FORM 304
May 1969, Bureau of the Budget
Circular No. A-11, Revised
304-103

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SUPPORT OF UNITED STATES PRISONERS

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-1020-0-1-752			
Personnel compensation:			
11.1 Permanent positions.....			
11.2 Positions other than permanent.....			
11.3 Other personnel compensation.....			
11.8 Special personal services payments.....	715	...	715
Total personnel compensation.....	715	...	715
Personnel benefits:			
12.1 Civilian.....			
13.0 Benefits for former personnel.....			
21.0 Travel and transportation of persons.....			
22.0 Transportation of things.....			
23.0 Rent, communications, and utilities.....			
24.0 Printing and reproduction.....			
25.0 Other services.....	27,840	-3,000	24,840
26.0 Supplies and materials.....	17	...	17
31.0 Equipment.....			
32.0 Lands and structures.....			
33.0 Leases, rents, and loans.....			
41.0 Grants, subsidies, and contributions.....	28	...	28
42.0 Insurance claims and indemnities.....			
43.0 Interest and dividends.....			
44.0 Refunds.....			
99.0 Total obligations.....	28,600	-3,000	25,600

Mr. HALL. Mr. Chairman, the Service is also requesting \$25,600,000 for the "Support of United States prisoners" appropriation in 1982, an increase of \$3 million over the amount currently available for fiscal year 1981. The request will enable the Service to house an average of 3,000 prisoners per day at a daily per capita cost of \$23.53.

UNCONTROLLABLE INCREASE

Mr. SMITH. You have a request for \$2,102,000 for uncontrollable increases.

Mr. HALL. That is correct. That is State and local jails have increased their contract rate by this amount.

INCREASED COST FOR DETENTION SPACE

Mr. SMITH. Also you have \$898,000 for additional detention space that is required to house offenders in the custody of the Attorney General. Why is there an increase for detention space?

Mr. HALL. There will not be an overall increase in detention space. It will increase the detention space in metropolitan areas and decrease space in rural areas as well as transfer some prisoners from Federal facilities into non-Federal facilities.

Mr. SMITH. How many prisoners were housed out of this appropriation for 1979, 1980, and 1981?

Mr. HALL. 53,364 in 1981, and we estimate 60,000 in 1982, and 57,322 in 1980, and 62,007 in 1979.

Mr. SMITH. Why is this going up?

Mr. HALL. I think it involves as far as the Marshals Service is concerned more appearances in court, more call-back to different areas for testimony in trials. Of course, every time a witness is subpoenaed and he happens to be a prisoner, that upgrades our costs and there are more people that we have to deal with. It is becoming more and more common for a defendant to want 15 or 20 witnesses brought in from institutions all over the country to testify on some writ, something that he has filed in some case.

Mr. EARLY. No questions.

Mr. HIGHTOWER. No further questions.

Mr. SMITH. Thank you, Mr. Hall.

[The following questions were submitted for the record by Chairman Smith:]

SUPPORT OF U.S. PRISONERS

Question. The justification also indicates that \$898,000 of the total increase is for additional detention space that is required to house offenders in the custody of the Attorney General in local detention facilities in high-cost metropolitan areas. Why do we need additional detention space?

Answer. This additional \$898,000 increase will not increase the overall quantity of detention space. It will shift the location of the necessary space from rural outlying jails into metropolitan areas where the need is most critical. Detention space in metropolitan areas is more expensive than space elsewhere. We are forced to use the lower cost outlying jails which necessitates greater travel distances for prisoners using higher travel costs and higher personnel costs from the U.S. Attorneys and Marshals appropriation.

Question. How many prisoners were housed out of this appropriation during fiscal year 1979, fiscal year 1980, fiscal year 1981, and what is the estimate for fiscal year 1982?

Answer. Prisoner commitment and jail day data are as follows:

Item	Fiscal years			
	1979	1980	Projected, 1981	Projected, 1982
Prisoners committed to contract jails ¹	* 62,007	57,322	53,364	60,000
Contract jail days used	* 1,019,479	* 1,012,450	* 1,010,000	1,008,818

¹ The reduction of prisoners in contract jails is related to either the cancellation of local contracts or the severe cutback of available space due to court orders, overcrowding, and civil rights suits initiated by federal prisoners against local authorities. The Marshals Service has been forced to shift its prisoner population where possible to federal institutions. USMS prisoner commitments to federal institutions is projected to increase by 5 percent from fiscal year 1980-81. Unfortunately, due to the fact that most federal institutions are located some distance from the federal court cities, the Service has had to devote increasing amounts of manpower and transportation resources for the daily production of prisoners in court.

* Corrects error in actual data previously reported for the District of Columbia

* Update previous estimate of 1,026,000 contract jail days

Question. How much was unobligated in this account at the end of fiscal year 1980?

Answer. \$676,000 was unobligated in the Support of U.S. Prisoners appropriation at the end of fiscal year 1980.

Question. The amended request for fiscal year 1982 represents a reduction of \$3,000,000 from the original request of \$28,600,000. The justifications indicate that this reduction would eliminate funding for cooperative agreements with state and local governments for renovation of facilities that detain federal prisoners. Why are you requesting the legislative authority for such a program if you do not intend to fund the program?

Answer. The Cooperative Agreement Program (CAP) as designed by the Service is a multi-part program intended to stimulate local governments to continue to provide housing for federal prisoners. The \$3,000,000 in funding was to be used to provide new equipment, services or minor renovation work to major use facilities identified in on-site inspections as having substandard conditions of confinement. Even without funding, the CAP language will permit the Service to enter into cooperative agreements with local jails housing federal prisoners to provide greatly needed technical and training assistance as well as possibly providing excess federal property (in lieu of new equipment purchases) in return for guaranteed jail space. In the future, when and if, funds can be made available, the CAP language will permit the Service to immediately expand its on-going technical assistance programs to include cooperative financial assistance.

Question. What would be the consequences of not funding this program? Would some states refuse to house federal prisoners if federal assistance to renovate state penal facilities is not available?

Answer. The Marshals Service's Cooperative Agreement Program (CAP) was developed to provide assistance to local authorities to help them address life safety and health service deficiencies through training programs, on-site technical assistance, acquisition of equipment and supplies, as well as minor renovation of physical space (i.e., installation of medical treatment rooms, installation of smoke detectors, etc.) within facilities which house federal prisoners. The CAP Program, funded at the \$3,000,000 level in fiscal year 1982, would have minimized the potential for costly inmate litigation, improved jail services and provided an incentive for local governments to provide housing for federal prisoners.

Without a Cooperative Agreement Program (CAP) which is capable of providing some financial assistance to local governments, the Federal government will continue to lose more vital local jails for its unsentenced prisoners. Since fiscal year 1979 the number of contract jails under court order for substandard conditions of confinement has increased 100 percent (from 33 to 66). Seventy-one percent of these jails are or were major use facilities for federal prisoners. More than two dozen states are under court order to improve living conditions in their penitentiaries and another dozen face similar court challenges. A preliminary survey recently conducted by the Service identified a total of 96 local jails where federal utilization has been terminated or severely restricted. As a result, the number of facilities under USMS contract has declined from 818 in fiscal year 1979 to 723 in fiscal year 1981.

Question. How would these funds be used, if appropriated? What would be the priorities? Which states and local communities would receive such funds?

Answer. The Cooperative Agreement Program (CAP) would provide financial assistance for the minor physical renovation of space to accommodate the acquisition of equipment, services and supplies for those contract facilities identified by the Service's inspection program as necessary to improve the quality of services and space in facilities which house federal prisoners.

All requests for CAP financial assistance would be broken out into individual projects (i.e., safety, recreation, etc). Priority will be given to major use contract jails

under court order. The following is a list of CAP project categories in order of their relative priority.

Type project and example of specific types of projects

Medical care—Medical equipment (i.e., examination table, first aid kits, etc.).
Safety and sanitation—Smoke and heat detectors, fire retardant mattresses, fire extinguishers, air packs.

Clothing, hygiene—Laundry equipment, showers, etc.

Security—Metal detectors, alarms, communications equipment, weapon lockers, closed circuit TV.

Legal rights—Update or establish inmate law library.

Food service—Kitchen and dining room equipment.

Visiting and mail—Visiting room furnishings.

Prisoner management—Office equipment to improve intake of prisoners.

Exercise and recreation—Inmate exercise and recreation equipment.

Information as to specific states or local communities to receive such assistance would not be available until the CAP Program is fully implemented and funded, i.e., both statutory and financial authorization is granted by Congress; CAP proposals from major use facilities under court order are received and evaluated by the Service; and approval by the Deputy Attorney General is granted.

WEDNESDAY, MARCH 25, 1981.

FEES AND EXPENSES OF WITNESSES

WITNESSES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. SMITH. The next item is Fees and Expenses of Witnesses. The request is for \$29,421,000, and the amount is \$2,421,000 above the appropriation for the current fiscal year. We will insert the justification materials at this point in the record.

[The justifications follow:]

Department of Justice
Fees and Expenses of Witnesses
Estimates for Fiscal Year 1982
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Fees and Expenses of WitnessesSummary StatementFiscal Year 1982

Fees and Expenses of Witnesses is requesting, for 1982, a total of \$29,421,000. This request represents an increase of \$2,421,000 over the 1981 appropriation.

The purpose of the Fees and Expenses of Witnesses appropriation is to pay the fees and expenses of witnesses who appear on behalf of the Government in all cases to which the United States is a party. The activities are administered by the concerned Departmental organization.

Fees and Expenses of Witnesses contains four budget activities: Fact Witnesses, Protection of Witnesses, Expert Witnesses and Mental Competency Examinations.

1. Fact Witnesses: These witnesses testify as to events or facts about which they have personal knowledge. Current level resources are requested for this activity.
2. Protection of Witnesses: The Attorney General provides for the security of Government witnesses or potential Government witnesses and their families when their testimony concerning organized criminal activity may jeopardize their personal security. A program increase of \$500,000 is requested to maintain ongoing support to the Department's organized crime program.
3. Expert Witnesses: The testimony of expert witnesses is used in trials where technical or scientific expertise is required in the defense or prosecution of a case. A program increase of \$1,000,000 is requested to enable utilization of expert witnesses as necessitated by an increase in more complex cases.
4. Mental Competency Examinations: Fees of physicians and psychiatrists are paid for examining accused persons upon order of the court to determine their mental competency to stand trial. No increase is requested for this activity.

Fees and Expenses of Witnesses
Proposed Authorization Language

Fees and Expenses of Witnesses the following authorization language is requested:

For Fees and Expenses of Witnesses, including:

(a) expenses, mileage, compensation, and per diems of witnesses in lieu of subsistence, as authorized by law;

(b) including advances of public moneys:

\$29,421,000,

(c) but no sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

Fees and Expenses of Witnesses

Justification of Proposed Charges in Appropriation Language

The 1982 budget estimates include proposed charges in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Fees and Expenses of Witnesses

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; [\$27,000,000]

\$29,421,000

No substantive changes proposed.

Fees and Expenses of Witnesses

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity	1981 President's Budget Request		Reprogramming		1981 Appropriation Anticipated	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
1. Fact Witnesses.....	...	\$13,210	...	-\$1,181	...	\$12,029
2. Protection of Witnesses.....	...	8,383	...	...	...	8,383
3. Expert Witnesses.....	...	5,006	...	1,181	...	6,187
4. Mental Competency Examinations.....	...	401	...	...	...	401
Total.....	...	27,000	...	...	...	27,000

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogramming:

After submission of the 1981 budget to Congress it appeared that Fact Witness activity funds available for 1980 would not be fully used. At that time \$1,181,000 in 1980 funds were offered from the Fact Witness activity for transfer to other Departmental accounts to aid in absorption of the 1980 pay raise. Later, however, the needs in the Expert Witness activity increased to the point where additional funds were necessary. This supplemental requirement was communicated to Congress, asking for restoration of the \$1,181,000 for the Expert Witness activity and an additional \$846,000 to be transferred from "Law Enforcement Assistance." This request was approved. It appears that 1981 needs will closely parallel 1980 experience and require that a similar charge by activity be carried into 1981.

Fees and Expenses of Witnesses
Summary of Requirements
(Dollars in thousands)

Summary of adjustments to base and built-in changes:

	1980 Enacted		1980 Actual		1981 Appropriation		1982 Base		1982 Estimate		Work- years	Amount
	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT		
1981 as enacted.....											...	\$27,000
Uncontrollable increases:												
Travel costs - per diem and mileage.....											...	605
Travel costs - airfare increases.....											...	316
Total uncontrollable increases.....											...	921
1982 base.....											...	27,921
<u>Estimates by budget activity/ Program</u>												
1. Fact Witnesses.....	...	\$12,029	...	\$12,084	...	\$12,029	...	\$12,950	...	\$12,950	...	...
2. Protection of Witnesses....	...	8,383	...	7,449	...	8,383	...	8,383	...	8,883	...	\$500
3. Expert Witnesses.....	...	7,033	...	6,946	...	6,187	...	6,187	...	7,187	...	1,000
4. Marital Competency Examinations.....	...	401	...	242	...	401	...	401	...	401	...	...
Total.....	...	27,846	...	26,721	...	27,000	...	27,921	...	29,421	...	1,500

Fees and Expenses of Witnesses

Justification of Program and Performance

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Anticipated		Perm.		Perm.		Perm.	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Fact Witnesses.....	...	\$12,029	...	\$12,950	...	\$12,950	...	...

Long-Range Goal: To maximize the effectiveness of the Department's litigative program by providing fact witnesses for criminal and civil trials.

Major Objectives:

To provide adequate resources for payment of fact witnesses who testify on behalf of the Government.

To provide for payment to a sufficient number of witnesses for the United States to be adequately represented in legal proceedings.

Base Program Description: The testimony of fact witnesses is used in court proceedings by the Department's legal divisions and district offices of the U.S. Attorneys. Fact witnesses are used primarily in criminal proceedings where the defendant is accused of violating Federal law. Payments to witnesses are intended to defray the costs of appearing to testify on behalf of the Government. Attendance fees are \$30 per court day; amounts authorized for per diem and mileage are set by the regulations governing official travel by Federal employees.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Anticipated		Perm.		Perm.		Perm.	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Protection of Witnesses.....	...	\$8,383	...	\$8,383	...	\$8,883	...	\$500

Long-Range Goal: To enhance the Department's organized crime program by obtaining testimony from potentially endangered or threatened witnesses.

Major Objectives:

To obtain testimony which can be used to prosecute persons accused of organized criminal activity.

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal safety.

Base Program Description: The procedure for designating a person as a protected witness is set forth in Department of Justice 680 Order 2710.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the U.S. Marshall Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. Rates are authorized by the Assistant Attorney General for Administration.

Program Changes: The entire increase is classified under the object class Special Personal Services Payments. The additional funds are necessary to offset increases in the cost of subsistence, particularly housing and travel. The increase will provide financial maintenance for approximately the same number of witnesses as will be maintained in 1981.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Ferm.			Ferm.			Ferm.		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Expert Witnesses.....	\$6,187	...	...	\$6,187	...	...	\$7,187	...	...	\$1,000

Long-Range Goal: To improve the ability of the Department's litigating units to represent the United States' interests in cases involving complex and/or technical issues.

Major Objectives:

To provide expert witnesses to testify on behalf of the United States in legal proceedings where scientific or technical expertise is necessary.

To provide matching expert opinions to those presented by opposing counsel.

Base Program Description: This program provides for the fees and expenses of expert witnesses who appear on behalf of the Government when technical or scientific expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts both to testify and to refute the nonlegal particulars of individual cases.

Program Changes: An increase of \$1,000,000 is requested so the Department can keep pace with the need for expert witnesses. The entire increase is classified under the object class Special Personal Services Payments. Expert witness costs have increased by 60 percent since 1978; from \$3,849,000 in 1978 to an estimated \$6,187,000 in 1981.

This increase has been influenced by several factors:

First is the general increase in the complexity of litigation with the resultant need for expert witnesses to adequately present the Government's position in court.

Second is the increasing use of expert witnesses by opposing counsel. It is incumbent upon the Department to obtain equally qualified expert witnesses to minimize any advantage which may benefit the other side.

Third is the increase in fees being received by expert witnesses. While every effort is made to use government employees, the Department is at the mercy of the market place when outside experts must be employed.

There is every reason to believe these factors will continue. The additional funds requested will enable the Department to utilize expert witnesses as required for prosecution and defense in litigation.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Mental Competency Examinations.....	...	\$401	...	\$401	...	\$401	...	...

Long-Range Goal: To guarantee the rights of accused persons to a fair and impartial trial by ensuring their competency to stand trial.

Major Objective:

To pay the fees of physicians and psychiatrists for court-ordered examinations concerning the mental competency of accused persons, pursuant to 18 U.S.C. 4244-4248.

Basic Program Description: Court-ordered mental competency examinations are administered to assure that persons charged with an offense are mentally capable of understanding the proceedings against them and will be able to assist in their own defense.

Fees and Expenses of Witnesses:
1982 Funding Request

Priority Ranking of Programs

<u>Ranking</u>	<u>Program</u>
1	PROTECTION OF WITNESSES
2	FACT WITNESSES
3	EXPERT WITNESSES
4	MENTAL COMPETENCY EXAMINATIONS

Priority Ranking of Increases

<u>Ranking</u>	<u>Program</u>
1	PROTECTION OF WITNESSES
2	EXPERT WITNESSES

727

Fees and Expenses of Witnesses
Adjustments to Base and Built-in Changes
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Perm. Work- years</u>	<u>Amount</u>
<u>Uncontrollable increases:</u>			
1. Travel Costs - per diem and mileage.....	\$605
<p>The General Services Administration continues to add to the number of regions eligible for high rate area payments. The increased per diem cost in high rate areas applies to an estimated 45 percent of per diem travel expenses. The increased costs for travel to this appropriation is \$605,000 over the base of \$1,629,000.</p>			
2. Travel Costs - airfare increases.....	316
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, the regulation of fares will disappear entirely after 1983. The Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in airfares results in an increase of \$316,000 over the base of \$1,100,000.</p>			
Total uncontrollable increases.....	921

Fees and Expenses of Witnesses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions and Workyears	Amount	Positions and Workyears	Amount	Positions and Workyears	Amount
11.6 Special personal services payments.....	...	\$20,485	...	\$21,985	...	\$1,500
21 Travel and transportation of persons.....	...	6,515	...	7,436	...	921
Total obligations.....	...	27,000	...	29,421	...	2,421
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		5,979		6,517		
Obligated balance, end-of-year.....		-6,517		-7,401		
Outlays.....		26,462		26,537		

GENERAL STATEMENT

Mr. SMITH. We will insert your prepared statement at this point in the record.

[Mr. Rooney's prepared statement follows:]

STATEMENT OF ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION KEVIN D. ROONEY

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity again to appear before you in support of the 1982 budget request for the Fees and Expenses of Witnesses appropriation. The 1982 request for the appropriation is \$29,421,000, an increase of \$2,421,000 over the \$27,000,000 appropriated in 1981. The funding increase consists of \$921,000 in uncontrollables cost increases and \$1,500,000 in program increases.

A program increase of \$500,000 is requested for the Protection of Witnesses program. Protection of Witnesses has become an increasingly more important part of the Department's organized crime efforts. This increase is considered essential to the continued quality and effectiveness of the program. A program increase of \$1,000,000 is requested for the Expert Witnesses program. This increase is necessary to assure that the Department's litigators have available for their increasingly complex cases an adequate number of scientific and technical experts, as well to cover the increased compensation required for expert witnesses. No increases are requested for the Fact Witnesses or the Mental Competency Examinations programs.

This concludes my statement, Mr. Chairman. I will be pleased to answer any questions which you or members of the subcommittee may have.

UNCONTROLLABLE INCREASES

Mr. SMITH. It is indicated that, \$921,000 of this, is for uncontrollable increases. What are these uncontrollable increases?

Mr. ROONEY. Mr. Chairman, those uncontrollable increases principally relate to travel and transportation. In this area we pay for the expenses of witnesses, of which travel and transportation are a large part.

COSTS OF WITNESS PROTECTION

Mr. SMITH. Of the proposed increase, \$500,000 is for protection of witnesses, and the justifications state that this increase is necessary to protect witnesses that have become an exceedingly important part of the Department's efforts in the organized crime area. Has the number of witnesses we are protecting increased?

Mr. ROONEY. Not especially, Mr. Chairman. What has happened here is that this appropriation is used to pay for the financial maintenance of witnesses: for example, subsistence, housing, and travel, as opposed to the actual protection of the witnesses. These expenses directly relate to housing and travel, which because of the economy, have increased considerably over prior years. In fact, in this particular area, as well as the other area where our requested increase is, which is expert witnesses, we have absolutely no control.

Mr. SMITH. How much is in the witness security program?

Mr. ROONEY. In the Marshals Service?

Mr. SMITH. Yes. Has that increased also?

Mr. NEILL. That is a separate item.

Mr. ROONEY. It is a separate item. The 1982 request for witness security in the Marshals Service is \$16,331,000.

Mr. SMITH. Is that an increase?

Mr. ROONEY. It is an increase of \$274,000 which is basically a cost-of-living increase.

Mr. SMITH. Has the changing of identities helped any in this regard?

Mr. ROONEY. Yes, Mr. Chairman. It is not a new element of the program, the changing of the identities, but as Mr. Hall said this morning, it has been proven to be quite successful and quite critical to obtaining the testimony of those witnesses.

Mr. SMITH. It has an impact, doesn't it, on the amount of money necessary?

Mr. ROONEY. That is right, because here we are talking about housing costs, and these costs have increased substantially.

USE OF EXPERT WITNESSES FOR COMPLEX CASES

Mr. SMITH. The justifications also indicate that \$1 million of the increase is to support a number of more complex cases in litigation, which require an increase in the use of expert witnesses. What are these complex cases?

Mr. ROONEY. What we are talking about here, and throughout the Department, is not only Antitrust cases and white-collar crime cases, but more complex financial aspects of litigation, of cases in litigation, and the Department's increase in complex litigation. This, as well as the increased use of experts by opposing counsel, has considerably driven up our use of experts. This has become a real problem in the operating year, and the fees charged by these experts have gone up considerably. This one area where we are requesting one million dollars is the area that we have not been able to accurately predict what the costs will be.

Mr. SMITH. It is just unpredictable?

Mr. ROONEY. Very much so.

Mr. SMITH. Thank you very much. Mr. Rooney.

WEDNESDAY, MARCH 25, 1981.

COMMUNITY RELATIONS SERVICE

WITNESSES

GILBERT G. POMPA, DIRECTOR

ROBERT L. DENNIS, DEPUTY DIRECTOR

BERTRAM LEVINE, NATIONAL LIAISON AND POLICY DEVELOPMENT OFFICER

H. DALE MEEKS, ADMINISTRATIVE OFFICER

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

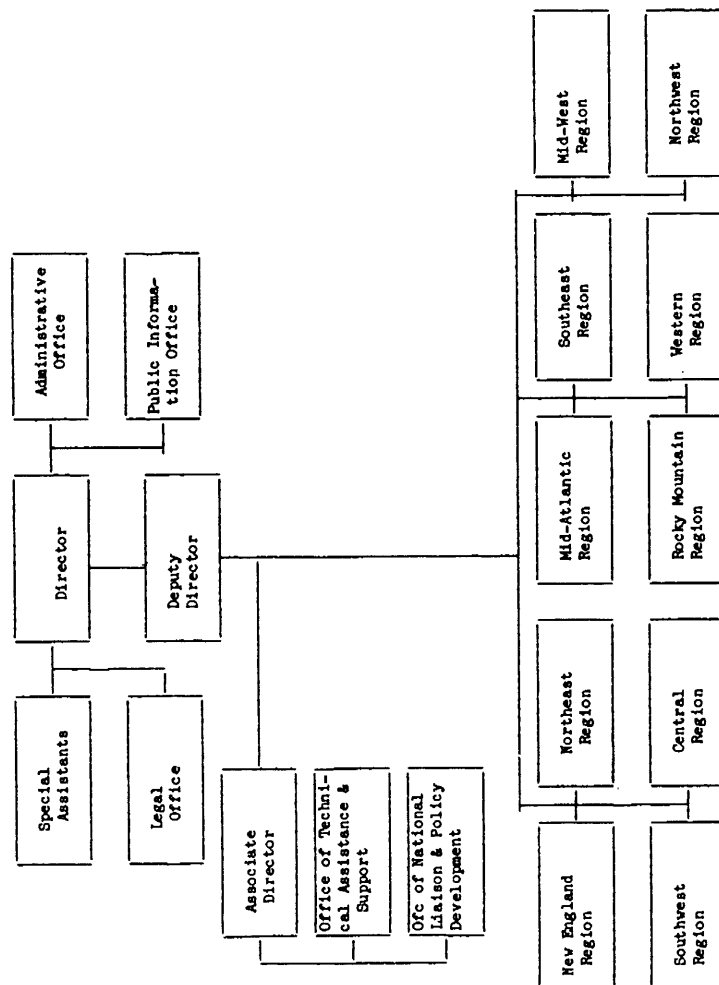
Mr. SMITH. The next item we will consider is the Community Relations Service, and it appears under a separate tab. The request totals \$5,313,000, and this is a decrease of \$242,000 from the amount provided for fiscal 1981, adjusted for the supplemental. We will insert the original justification materials as well as the amended materials at this point in the record.

[The justifications follow:]

Department of Justice
Community Relations Service
Estimates for Fiscal Year 1982
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TABLE OF ORGANIZATION
COMMUNITY RELATIONS SERVICE



Community Relations Service

Summary Statement

Fiscal Year 1982

The Community Relations Service (CRS) is requesting, for 1982, a total of \$5,655,000, 108 permanent positions and 117 work-years. This request represents an increase over the 1981 appropriation of \$382,000, and a decrease of three positions.

The mission of the Community Relations Service (CRS) as established by Title X of the Civil Rights Act of 1964 is to provide assistance to communities in resolving disagreements and difficulties arising from discriminatory practices based on race, color or national origin which impair the rights of citizens and threaten to disrupt peaceful relations. Its services, which consist of on-site conciliation and mediation, are delivered through the field staff, represented by budget programs known as Technical Assistance and Program Operations. Policy direction, management and logistical support are provided by the Executive Direction and Control and Administrative Services programs.

The Technical Assistance program is a supportive adjunct of the Program Operations program and an integral part of the conciliation/mediation process. It makes possible improved program performance by enabling the field staff to reach more efficient and successful resolutions of disputes by supplying them with the technical information to effectuate the resolution of community conflicts. By maintaining a centralized Technical Assistance Unit, rather than providing specialists for each individual region, CRS achieves economies of scale. Technical Assistance also standardizes practice among regions and results in greater consistency of product.

The Program Operations program is the primary effort through which CRS carries out its mission. In 1982 the agency will maintain its present structure of program areas which include Administration of Justice, Education, General Community Relations and Other. In Administration of Justice, first priority is assigned to the project area of Excessive Use of Force by Police. In Education, CRS anticipates a shift in project area priority from school desegregation to school disputes in multicultural school districts.

The risk of social discord--including the possibility of contagious violence--increases with economic hardship, intergroup rivalry for limited jobs, and the fear and frustration that give rise to scapegoating. Five specific problem areas in which we are now experiencing an increased demand for our services, and in which we project further increases in 1982, are: 1) excessive use of force by police; 2) cases involving the Ku Klux Klan; 3) cases involving newly resettled Indo-Chinese refugees; 4) referrals from U.S. courts; and 5) growing potential for civil disorder.

1. Excessive Use of Force - Allegations of police use of excessive force, and community reactions, are the sources of many of the most volatile situations CRS encounters. Two hundred-six instances of excessive force problems were alerted in 1980, a 91 percent increase over the previous year. The number of cases increased from 69 to 133. To encourage preventive programs, CRS in 1980 convened a National Consultation on Safety and Force at which Hispanic and Black leadership and police representatives reviewed problems and possible solutions. This paved the way for follow-up programs in communities across the country, which are now under development.
 2. Cases Involving the Ku Klux Klan - Cases involving the Ku Klux Klan increased from 19 in 1979 to 39 in 1980, a growth of 105 percent. In addition to traditional types of conflict with Blacks, the Klan is exploiting new areas of friction such as those involving undocumented aliens and Indo-Chinese refugees. These cases, which have already resulted in bloodshed, are increasingly troublesome.
 3. Cases Involving Indo-Chinese Refugees - Throughout the country--in Denver, in Philadelphia, along the Gulf Coast--community resistance to the presence of newly resettled Southeast Asians is rising as a result of perceptions that the newcomers preempt scarce low-cost housing, compete for jobs or make inroads in selected industries. In 1979, CRS had 5 cases; the number increased to 34 cases in 1980. With a total of 600,000 Southeast Asians to be resettled before the end of 1982, CRS looks to a heavy increase in the amount of conflict that will attend their finding a place in a new environment--a process which will continue well beyond 1982.
 4. Court Referral Cases - Encouraged by a number of U.S. District Court judges who have seen the CRS dispute resolution process as an effective and cost-saving alternative to certain forms of civil rights litigation, and with the support of the Federal Judicial Center, CRS undertook a pilot program to determine the value of U.S. court referrals to CRS. Evaluation showed that: 1) CRS, at substantial savings, can resolve complex civil rights cases quicker than litigation; 2) CRS mediated solutions are regarded as equitable by the parties and lay the basis for racial cooperation in future continuing relationships.
 5. Growing Potential for Civil Disorder - The May, 1980 riot in Miami, as well as racial violence in Tampa, Orlando, Chattanooga, Flint, MI, Wichita, KA, Wrightsville, GA, and Philadelphia are reminders that the wave of urban disorders of the sixties started, according to the Kerner Commission, with five in 1963 and lasted for six years. Whether or not that pattern will recur, many astute social observers note that the preconditions exist in cities across the country. In addition to having opened a Miami office, CRS is developing new approaches to identifying urban areas under greatest stress and, to the extent possible, providing increased crisis response in such areas.
- The Executive Direction and Control program provides the agency with policy direction, program oversight, management and operational guidance by fulfilling the responsibilities of: appropriate liaison with the Department and with the Executive and Legislative branches; planning; policy determination; and establishment of priorities and allocation of resources.
- The Administrative Services program provides the coordination of a full range of administrative support services.

Community Relations Service

Proposed Authorization Language

The Community Relations Service is requesting the following authorization language:

For the Community Relations Service: \$5,655,000.

Community Relations ServiceSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1982 budget estimates included proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses, Community Relations Service

For necessary expenses of the Community Relations Service established by Title X of the Civil Rights Act of 1964, [\$5,273,000] . \$5,655,000

No substantive changes proposed.

Community Relations ServiceCrosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation Actions on 1981 Request		Reprogrammings		Pay Supplemental Requested		1981 Appropriation Anticipated	
	Pos.	Wt. Amt.	Pos.	Wt. Amt.	Pos.	Wt. Amt.	Pos.	Wt. Amt.	Pos.	Wt. Amt.
Prevention and conciliation of Community Disputes:										
Technical Assistance.....	5	5 \$215	...	...	...	...	...	...	5	5 \$227
Program Operations.....	82	87 3,958	...	...	...	...	...	-1 219	82	86 4,177
Executive Dir & Control....	19	21 928	...	...	...	...	...	-2 51	19	19 979
Adminis. Services.....	5	7 172	...	...	...	...	...	...	5	7 182
Total.....	111	120 \$5,273	...	...	...	...	...	-3 292	111	117 \$5,565

Explanation of Analysis of Changes from 1981 Appropriation RequestSupplementals Requested

The pay raise (Executive Order 12248), effective October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981.

Community Relations ServiceSalaries and ExpensesSummary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount																					
<u>Summary of adjustments to base and built-in changes</u>																								
1981 as enacted.....	111	120	\$5,273																					
Supplementals requested:																								
1981 Pay supplemental requested.....	...	-3	292																					
1981 appropriation anticipated.....	111	117	5,565																					
Uncontrollable increases.....	159																					
Decreases.....	-5																					
1982 Base.....	111	117	5,719																					
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;">1981 Approp.</td> <td style="width: 33%; text-align: center;">Increase/ Decrease</td> </tr> <tr> <td></td> <td style="text-align: center;">1980 Actual</td> <td style="text-align: center;">1982 Estimate</td> </tr> <tr> <td></td> <td style="text-align: center;">Perm.</td> <td style="text-align: center;">Perm.</td> </tr> <tr> <td></td> <td style="text-align: center;">Pos.</td> <td style="text-align: center;">Pos.</td> </tr> <tr> <td></td> <td style="text-align: center;">WY Amt.</td> <td style="text-align: center;">WY Amt.</td> </tr> <tr> <td></td> <td style="text-align: center;">Pos.</td> <td style="text-align: center;">Pos.</td> </tr> <tr> <td></td> <td style="text-align: center;">WY Amt.</td> <td style="text-align: center;">WY Amt.</td> </tr> </table>					1981 Approp.	Increase/ Decrease		1980 Actual	1982 Estimate		Perm.	Perm.		Pos.	Pos.		WY Amt.	WY Amt.		Pos.	Pos.		WY Amt.	WY Amt.
	1981 Approp.	Increase/ Decrease																						
	1980 Actual	1982 Estimate																						
	Perm.	Perm.																						
	Pos.	Pos.																						
	WY Amt.	WY Amt.																						
	Pos.	Pos.																						
	WY Amt.	WY Amt.																						
Estimates by budget activity	111	119	\$5,091																					
Prevention and Conciliation	111	120	\$5,145																					
of Community Disputes.....	111	117	\$5,565																					
	111	117	\$5,655																					
		-3	...																					
			-\$64																					

Community Relations Service

Summary of Resources by Program
(Dollars in thousands)

Estimate by Program	1980 as Enacted			1980 Actual			1981 Approp.			1982 Base			1982 Estimate			Increase/ Decrease	
	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY	Amt.	Perm.	WY
Prevention and Conciliation of Community Disputes:																	
Technical Assistance.....	5	5	\$209	5	5	\$209	5	5	\$227	5	5	\$234	5	5	\$234	...	...
Program Operations.....	82	87	3,865	82	86	3,811	82	86	4,177	82	86	4,293	82	86	4,293	...	...
Executive Direction and Control.....	19	21	904	19	21	904	19	19	979	19	19	1,006	16	19	942	-3	...
Administrative Services.....	5	7	167	5	7	167	5	7	182	5	7	186	5	7	186	...	...
Total.....	111	120	5,145	111	119	5,091	111	117	5,565	111	117	5,719	108	117	5,655	-3	-64
Other Workyears																	
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	2	...	...	1	...	...	...	1	...	...	1	...	...	1	...	...	...
Total compensable workyears.....	122	...	...	120	...	...	118	...	...	118	...	...	118	...	...	...	...

Community Relations Service
Justification of Program and Performance
 Activity Resource Summary

Activity: Prevention and Conciliation of Community Disputes	1981 Approp. Anticipated			1982 Base			1982 Estimate			Increase/Decrease			
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Perm.	Pos.	WY	Amount
Technical Assistance.....	5	5	\$227	5	5	\$234	5	5	\$234	...	...	...	...
Program Operations.....	82	87	4,177	82	87	4,293	82	87	4,293	...	...	...	...
Executive Direction and Control...	19	19	979	19	19	1,006	16	19	942	-3	...	...	-64
Administrative Services.....	5	7	182	5	7	186	5	7	186	...	...	...	...
Total.....	111	118	\$5,565	111	118	5,719	108	118	5,655	-3	...	...	-64

This budget activity includes all the resources for carrying out the mission of the Community Relations Service. Funds requested for this activity support personnel involved both at headquarters and in the field in the provision of assistance to communities in resolving disputes, disagreements and difficulties arising from discriminatory practices based on race, color or national origin which impair the rights of citizens and threaten to disrupt peaceful relations.

Activity: Technical Assistance.....	1981 Approp. Anticipated			1982 Base			1982 Estimate			Increase/Decrease			
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Perm.	Pos.	WY	Amount
Technical Assistance.....	5	5	\$227	5	5	\$234	5	5	\$234	...	...	...	...

Long-Range Goal: To provide on-site technical specialization, to improve field staff access to technical materials and resources, to provide regional offices with consultants and citizen experts, to produce technical publications and maintain a national repository of relevant technical materials developed by local, state and Federal agencies, national organizations and CRS' regional offices.

Major objectives:

To provide all 10 regional offices with on-site technical assistance by staff specialists and consultant experts.

To provide regional offices with technical materials and service packages to keep conciliators and mediators abreast of developments relative to their work.

To maintain a repository of technical information.

To produce technical publications and articles on conflict resolution.

To facilitate staff training sessions in technical areas and training events and conferences on conflict resolution for public officials and community groups.

Base Program Description: The Technical Assistance program is implemented by Cps' Office of Technical Assistance and Support (OTAS) which consists of specialists in various problem areas. Such assistance takes the following forms: 1) On-site case support to the assigned conciliator by a staff program specialist in administration of justice or education who not only consults with local education or police officials as a peer, but can also bring to such contact the experience of working on similar problems in other communities, and a thorough knowledge of all relevant Federal programs; 2) Consultants--individuals who are preeminent in their profession in dealing with a particular area of complexity such as bilingual curriculum development or design and validation of non-culturally biased selection tests; 3) Citizen experts or authorities such as an outside newspaper editor willing to consult with his peers on how the media of his city successfully supported efforts to avoid violent resistance to school desegregation or a police chief willing to pass on to a colleague his own experience in training his department in new approaches for dealing with small-group racial confrontations in a non-inflammatory manner; 4) Providing conciliators and mediators with knowledge and skill to deal with technical problems of limited complexity, which is done through annual in-service training of regional representatives and regular provision of relevant materials; and 5) Development by the program specialist of specific back-up services for particular cases, in the form of: carefully selected program models; critiques of locally developed program materials; or specially designed service packages--such as a 2-day training program for teachers on conflict management in the multicultural classroom.

Accomplishments and Workload: Accomplishments of the Technical Assistance program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Consultant Days Provided.....	82	36	90	90
Specialist Days Provided.....	105	48	120	120
Items of Technical Information Provided.....	500	500	500	500
Staff members trained.....	20	20	20	20
Case conferences conducted.....	3	2	2	2
Technical items published.....	N/A	3	2	2

In addition to providing ongoing technical support of the case work of all regional offices, OTAS helped to coordinate a nationwide effort to develop and propagate improved techniques and resources to help reduce the problem of excessive use of force by police and the consequential increase in antagonism in the minority community. Through workshops and publications, police and minority organizations were helped to address the problem and to find approaches to its solution. A National Consultation on Police Safety and Force, in December 1979, was coordinated by OTAS, which also is coordinating the follow-up program in approximately 20 cities. The National Consultation brought together Black and Hispanic leadership and police executives to consider the need and methods for developing joint efforts to reduce the use of excessive force and the community antagonism that it generates.

By producing and disseminating technical publications on various aspects of conflict management, OTAS provides program tools which help conciliators and mediators work with local institutions and technical groups. Some of these publications, in the form of how-to-do-it manuals, are designed to be independently instructive so that localities outnumbering those CRS can serve can better deal with their own racial problems. In FY 1980 OTAS produced: Human Relations: A Guide for Leadership Training in the Public Schools and Police Use of Deadly Force; What Police and the Community Can Do About It.

Program Changes: No program changes are requested.

	1981 Approp. Anticipated			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	WY
Program Operations.....	82	87	\$4,177	82	87	\$4,293	82	87	\$4,293	...	...

Long-Range Goal: To assist in lessening racial and ethnic community conflict by: preventing or reducing violence; establishing mechanisms for better communication and dispute resolution; providing an alternative to litigation; and helping communities to identify and peacefully address problems that underlie group antagonism.

Major objectives:

To help resolve all community racial-ethnic disputes and difficulties consistent with the CRS mandate brought to CRS' attention.

To process all alerts received in regional offices.

To assess all alerts which appear to be within CRS' jurisdiction.

To conciliate or mediate all cases which meet CRS case selection criteria.

Base Program Description: CRS responds to community racial/ethnic disputes and difficulties through on-site conflict resolution intervention by individuals--or teams of--conciliators and mediators based in 10 regional offices. Offices are alerted to problems by public officials or community groups seeking assistance, by a network of resource contacts who have benefited from or witnessed prior CRS service, or through other means. Incidents which satisfy the criteria of an initial screening process undergo an assessment to determine the nature of the issues, whether they are amenable to the CRS process, the cost the conflict is exacting from the community and the CRS resources that would be required. Each situation is tested against standard case entry criteria employed by all regions; assessments are covered by phone when possible, on site when necessary, to save funds; specific case objectives are determined and costs of achievement are estimated before a case is opened. Case selection is determined with the help of a case priority assignment system which reflects the problem area involved and the volatility of the immediate situation.

CRS conciliation techniques are focused on clarifying issues, improving communication, negotiating solutions, catalyzing involvement of the community's own resources, providing or broadening the provision of technical assistance, and training and assisting in contingency planning.

The Agency's program structure categorizes conflict resolution activities into four program areas: Administration of Justice, Education, General Community Relations, and Other.

Administration of Justice--Within the Administration of Justice (AOJ) program, first priority is assigned to the project area of Excessive Use of Police Force (EUP). Allegations of police use of excessive force, and community reactions, are the sources of many of the most volatile situations CRS encounters. In addition to helping heal ruptured relationships in communities that have been buffeted by the police force issue, we are now moving to help communities avoid preventable tragedies. Other project areas are corrections and police-community relations.

Education--In 1982, CRS expects to shift our highest priority from school desegregation cases to school disputes in multicultural school settings. 1) School Disputes--As school districts become more heterogeneous as a result of population shifts and desegregation, the educational process is increasingly interrupted by disputes involving students, parents and community groups. Problems include student racial violence, disproportionate minority dropout rates, alleged discriminatory disciplinary practices, unfair recruitment practices, ability grouping, and lack of minority involvement in curricula and extracurricula planning; 2) School Desegregation--Desegregation cases will still be an important component of the CRS caseload because of the importance that attaches to them in communities. CRS assistance focuses on the avoidance of interracial turmoil as school systems alter pupil and staff assignments. Activities include providing human relations and conflict management assistance to teachers and school staffs; providing technical assistance to develop local biracial student-parent groups; on-site conciliation as needed; help in the development of building security and contingency plans; assistance in police planning and training; and technical assistance to the courts in advising them on community relations aspects of desegregation plans.

General Community Relations--This category of cases, which has been claiming an increasing proportion of CRS resources, embraces the full spectrum of human endeavor in which racial conflict emerges, including employment and economic development cases, housing, health and welfare, transportation issues, etc.

CRS is encountering increasing numbers of direct intergroup confrontations, many of a potentially violent nature. Included here are cases involving the Ku Klux Klan and those resulting from community resentment of the resettlement of Indo-Chinese refugees. In 1979 CRS processed 19 cases involving the Ku Klux Klan. The number in 1980 was 39. In 1979, we had 5 cases dealing with Indo-Chinese refugees. For 1980 it was 34 cases.

CRS concerns in recent years about the potential for large scale disorder had been echoed independently, even before the Miami outbreak, by a variety of informed observers of the social environment. Since Miami, large segments of the nation's press and community leadership have voiced their perception and fear of the potential for outbreaks elsewhere.

The economic and social strains induced by inflation and unemployment (joblessness, vocational readjustment, loss of savings, debt, doubled-up housing, etc.) linger after recession ends. Minorities, who are the first to be fired during a recession, are the last to be rehired. If recovery is neither rapid nor full the disparity between white and minority employment will be enlarged. The Miami riot was not the only racial disorder in 1980, nor is it likely to be the last conflagration of the 80s. CRS logged nine instances of community racial violence in 1980. In the 60s, the period of race-related civil disorder lasted 6 years, from 1963 through 1968.

To the extent possible within its resources, CRS will seek to identify the most vulnerable urban centers and seek to deter, minimize the impact of, and reduce the possibility of contagion from urban mass violence by: a) conciliating some of the pre-critical tension-causing conflicts; and b) police training that minimizes the number of potential-triggering incidents.

Accomplishments and Workload: Accomplishments of the Program Operations Program are presented in the following table:

Item	Estimates	
	1981	1982
New Alerts processed.....	1,317	1,404
Assessments conducted.....	1,055	1,155
Conciliation cases conducted.....	730	890
Conciliation cases closed.....	569	641
Mediation cases conducted.....	19	34
Mediation cases closed.....	9	22

The above table reflects increased productivity in recent years subsequent to intensive management improvement efforts. We expect to see a leveling off in 1981 and 1982.

The 10 regional offices dealt with a continuing upward caseload trend. The number of conciliation and mediation cases conducted in 1980, represented a 23 percent increase over the previous year. Case closures in 1980, 663, represent a 15 percent increase over the 578 closures in 1979.

While cases increased in all program areas in FY 1980, the greatest increase took place in General Community Relations (GCR). The composite category which includes many of the most rapidly growing kinds of cases: court referrals, Indo-Chinese and Ku Klux Klan, among others. GCR cases made up 40 percent of the CRS caseload in 1980; Administration of Justice (AOJ) was 39 percent and Education 21 percent.

Excessive Use of Force--Alleged use of excessive force by police was the cause of alerts in 206 instances in 1980, a 91 percent increase over the same period of the previous year. The number of cases increased from 69 to 133. As a result of continuing statewide CRS programs in Texas and Rhode Island, and area-wide efforts in Florida and Massachusetts, police executives together with Black and Hispanic organization leaders are working in partnership on preventive programs. In furtherance of CRS' belief that police, Black leadership and Hispanic leadership must continue to work together on this problem, CRS convened a National Consultation on Safety and Force in December 1979. This paved the way for follow-up partnership programs in communities across the country, which are now getting underway, and requests for CRS services in this project area are on the rise.

Cases Involving the Ku Klux Klan--Cases involving the Ku Klux Klan increased from 19 in 1979 to 39 in 1980, a growth of 105 percent. In addition to traditional types of conflict with Blacks, the Klan is exploiting new areas of friction such as those involving undocumented aliens and Indo-Chinese refugees. Such cases make excessive demands on CRS' staff resources--often requiring a team response to assure that violence is avoided.

Court referral cases--Encouraged by a number of U.S. District Court Judges who have seen the CRS dispute resolution process as an effective and cost-saving alternative to certain forms of civil rights litigation, CRS in 1979 and 1980 conducted an experimental effort in one region to determine the potential and value of planned U.S. court referrals to CRS. The results proved the feasibility, given sufficient resources, of working with the courts in this manner in terms of cost-effectiveness and improved resolution of community racial conflicts.

Cases Involving Indo-Chinese Refugees--Throughout the country--in Denver, in Philadelphia, along the Gulf Coast--community resistance to the presence of newly resettled Southeast Asians is rising as a result of perceptions that the newcomers prey on scarce low-cost housing, compete for jobs or make inroads in selected industries. In FY 1979, CRS had five cases; the number increased to 34 in FY 1980.

Post-Riot Conciliation in Miami--CRS' role in the period immediately following the Miami riot was closely linked to the overall Department of Justice response. The Director of CRS accompanied the Attorney General to Miami the day after the riot. There CRS arranged communication between the Attorney General and grass roots leadership in the Liberty City area, and also a meeting in Miami with local and national Black leaders. The Attorney General immediately authorized the opening of a CRS office in Miami. The office is presently in operation with a staff of one permanent mediator transferred from Atlanta and two temporary conciliators. Among the specific objectives of the Miami office are:

- Improving communication and community relations programs between police and the minority community, and between antagonistic segments of the population.
- Providing technical assistance to police in improving controls over excessive use of force, including the planning and provision of training, performance models, etc.
- Catalyzing the creation by private organizations (business, banking, labor, churches, universities, civil rights groups, etc.) of coalitions which will develop inter-racial communication and locally sponsored employment, housing, education, and community development programs.
- Providing community relations consultation and on-site information to other Federal agencies delivering social benefit programs and assistance to the city.

- Program Changes:** No program changes are requested.

[illegible]

Long-Range Goal: Provide Executive Direction and Control to CRS by initiating and administering adequate planning, coordination and control, guidance and evaluation of all CRS programs to assure effective execution of requirements of Title X of the Civil Rights Act of 1964, as amended, and to assure agency responsiveness to the priority programs outlined by the Department, the President and the Congress.

Major objectives:

Provide executive direction and supervision for the programs of the agency.

Conduct and coordinate pertinent communications with the general public, other Federal agencies, and Congress.

Provide legal support to the management and field staff.

Base Program Description: The processes of Executive Direction and Control traditionally have been performed by five staff offices centrally located in CRS headquarters. They are the Office of the Director, the Office of the Deputy Director, the Office of National Liaison and Policy Development, the Public Affairs Office, and the Legal Office.

The Deputy Director has direct responsibility for the operation of the field service which includes the 10 regional offices and the Office of Technical Assistance and Support. He is directly assisted in the overview of program operations by the Field Coordinator.

Also responsible to the Deputy Director is the Office of National Liaison and Policy Development which coordinates the Operational Planning System, including the functions of planning, policy analysis, program evaluation and budget formulation.

The Public Affairs Office has handled inquiries from news media and private citizens about CRS activities, advised field staff on media-related aspects of casework, and advised the Director on the public-affairs implications of new programs and policies. This office also has developed many of the written materials needed by the Director in performance of his duties, and has prepared a variety of regular and special reports. The Office also was responsible for handling information requests from Congress. The Legal Office, traditionally reviewed applicable legislative proposals affecting community relations and developed appropriate CRS recommendations for the Department, the Office of Management and Budget and Congressional committees. This office also provided responses to requests on the Freedom of Information and Privacy Acts, and provided necessary legal advice and technical support to management and field staffs, as requested.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

Item	1979	1980	1981	1982
<u>Office of National Liaison and Policy Development</u>				
Program Guidance Memorandum issued.....	2	1	1	1
Reports on statistical evaluation and analysis of operations.....	1	4	4	4
Office plans reviewed/approved.....	34	17	17	17
Budget submissions.....	3	3	3	3
Management and program issue papers prepared.....	6	6	6	6
Special evaluations and analyses of operations.....	3	3	3	3
Analyses of Regional Trends.....	N/A	4	4	4
Operational data reports retained in storage.....	N/A	1,880	3,900	6,000
<u>Legal Office</u>				
Responses to public and congressional inquiries.....	312	60	60	20
Responses to requests for legal assistance from central and regional offices in program area.....	300	300	300	10
Responses to requests for legal assistance from central and regional offices in policy area.....	30	30	60	5
Proposed legislation studied.....	2	2	2	...
Responses to FOIA/PA inquiries.....	15	24	50	15
Legal information packages issued.....	1	6	6	...
Testimony or other submissions to Congress.....	2	12	12	6
Periodic reports to Attorney General or Associate.....	N/A	164	164	164
<u>Public Affairs Office</u>				
Congressional briefings.....	6	10	10	...
Speeches written and delivered.....	6	6	8	...
Media Workshops conducted.....	2	2	2	...
Responses to media inquiries.....	1,050	1,330	1,330	100
Press releases issued.....	82	25	30	...
Press conferences conducted.....	7	8	8	...
Picture stories.....	...	4	4	...

Item	1979	1980	Estimates	
			1981	1982
Briefing reports to DOJ.....	72	72	72	12
Weekly report submitted to Director of Public Affairs.....	16	52	52	...
Conference exhibits conducted.....	12	10	10	...
Major publications produced.....	3	3	3	1
Responses to public inquiries.....	1,308	1,373	1,373	...
Media interviews projected.....	47	49	49	...

Accomplishments: The Operational Planning System developed in 1978, which went through a test in 1979, was fully operational in 1980. All regional and central offices carried on their work in accordance with specific but coordinated annual plans. Implementation of plans was monitored and evaluated through the use of the newly revised Operational Data Information System (ODIS). In 1980, ODIS acquired an ADP capability which increases its ability to provide the data for program and policy analysis, which are fed back into the program planning process via, among other methods, the annual issuance of the Director's Planning Guidance Memorandum.

In 1980, as in 1979, the Offices of the Director and Deputy Director continued to strengthen relationships with national minority organizations and other civic groups capable of assistance in the implementation of programs; established and strengthened working relationships with other Federal agencies such as the Civil Rights Division, the Law Enforcement Assistance Administration, Departments of State and HHS (particularly with respect to the work of the Interagency Committee on Refugee Affairs); the Department of Education, the Department of Defense, etc. Management improvements included the upgrading of a wide range of administrative procedures and practices and initiation of systems of performance appraisal, quality control and work measurement.

Program Changes: The request calls for a reduction of three positions and \$64,000, offset by an increase of \$24,000 for ADP equipment. The positions eliminated will be those of the Public Affairs Officer, the Legal Officer and a staff assistant. However, CRS will receive both legal and public affairs assistance from other agencies of the Department of Justice and redistribution of certain assignments to other CRS personnel. One staff assistant currently assigned to the Offices of the Director and the Deputy will be eliminated.

Partially offsetting the decrease in the requested appropriation is a request for an increase of \$24,000 to update and enlarge the storage capacity of the ADP equipment serving the agency's Operational Data Information System (ODIS), to permit normal growth and permit the establishment of a three-year data base.

Administrative Services.....	5	7	\$182	5	7	\$186
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Major objectives:

To provide timely advisory service to all management levels on technical matters related to Administrative Services.

To provide for timely and efficient mail and messenger services.

Base Program Description: Objectives are currently accomplished through a liaison process with the Justice Management Division. The Administrative Services program provides direct input of vouchers, personnel action requests, requests for goods and services, obligating documents, inventory controls, etc., to the Justice Management Division through a centralized Administrative Office located in the CRS headquarters.

Accomplishments and Workload: Accomplishment of the Administrative Services program are presented in the following table:

19

During FY 1980, the Community Relations Service completed the reduction in the overall proportion of personnel assigned to Headquarters. This reduction was consistent with recommendations of the Office of Management and Budget (OMB). As a part of this effort, a very hard look was taken of the Administrative Office to determine which efforts, if any, were duplicative, and to eliminate those and any other functions for which there was no longer any need. As a result, the Administrative Office was reduced significantly without significant loss to support functions.

Program Changes: No program changes are requested.

Community Relations Service
1982 Funding Request
Priority Ranking of Programs

<u>RANKING</u>	<u>PROGRAM</u>
1	PROGRAM OPERATIONS
2	EXECUTIVE DIRECTION AND CONTROL
3	ADMINISTRATIVE SERVICES
4	TECHNICAL ASSISTANCE

Community Relations Service
Salaries and expenses
Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perma. Pos.	Work- years	Amount
1981 as enacted.....	111	122	\$5,273
Supplementals requested:			
Pay supplemental:			
Increased pay costs.....			Amount
Other savings (Travel).....			\$388
Net pay supplemental.....			-96
1981 appropriation anticipated.....	111	122	5,565
Uncontrollable increases:			
Annualization of 1981 pay increase.....		...	5
Within-grade increases.....		...	34
Health benefits.....		...	7
Standard Level User Charges (SLUC).....		...	39
GSA Recurring Reimbursables.....		...	5
Travel costs - air fare increases.....		...	39
GPO printing costs.....		...	2
General pricing level adjustment.....		...	28
Total, uncontrollable increases.....		...	199
Decreases:			
Federal Telecommunications Service (FTS).....		...	-5
Total, decreases.....		...	-5
1982 Base.....	111	122	5,719

Community Relations Service

Salaries and Expenses

Adjustments to Base and Built-In Changes
(Dollars in thousands)

Budget
Auth.

Uncontrollable Increases:

1. Annualization of October 1980 pay increases.....
This provides for the annualization of the October 5, 1980 pay increase resulting from Executive order 12248. There are 261 compensable days in 1981 and three days (October 1-3, 1980) were not included in the pay raise. The calculation of the amount required for annualization is:

3/261 x Amount of Pay Raise..... 5,000
1981 Absorption of pay.....
Total annualization..... 5,000

\$5

2. Within-grade increases.....

34

This request provides for an expected increase in the cost of within-grade step increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$30,900 and benefits \$3,100 = \$34,000).

3. Health benefits costs.....
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on government costs. The requested increase of \$7,000 provides for payment of the average rate percent over the \$56,000 now available.

7

4. Standard Level User Charges.....

39

P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$39,000 is required in FY 1982 to pay for space occupied at the end of FY 1981.

23

Budget
Auth. 5

5. GSA recurring reimbursable services.....

The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$5,000 will provide the same level of service in FY 1982 as in FY 1981 which was \$7,491.

6. Travel costs - airfare increases..... 39

Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$39,000 over the base of \$111,429.

7. GPO printing costs..... 2

The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for FY 1982. Using FY 1981 costs as a base, the uncontrollable increase for GPO printing is \$2,000 over the base of \$22,000.

8. General pricing level adjustment..... 28

This request applies the OMB pricing guidance of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.

Total uncontrollable increases..... \$159

Decreases (automatic non-policy)

1. Federal Telecommunication System (FTS)..... -5

The FTS decrease reflects the advance billing provided to the Department of Justice by the General Services Administration. In FY 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in a decrease of \$5,000.

Total, adjustments to base and built-in changes..... 154

Community Relations Service
Salaries and expenses
Financial Analysis - Program Increases/Decreases
(Dollars in thousands)

Item	Executive Direction and Control				Total	
	Decrease Pos.	Amount	Increase Pos.	Amount	Pos.	Amount
<u>Grades</u>						
GS/GM-13.....	-1	-32	...	...	-1	-32
GS-9.....	-2	-38	...	...	-2	-38
Total positions and annual rate.....	-3	-70	...	...	-3	-70
Lapse (-).....	...	10	...	...	...	10
Total workyears and personnel compensation.....	...	-60	...	...	...	-60
Personnel benefits.....	...	-4	...	...	...	-4
Travel and transportation of persons.....	...	-8	...	...	...	-8
Other Services.....	...	-16	...	24	...	8
Supplies and materials.....	...	...	...	...	...	...
Equipment.....	...	...	...	...	...	...
Total workyears and obligations, 1982.....	...	-88	...	24	...	-64

Community Relations Service
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$52,750.....	1		1		...	
ES-5, \$50,112.....	1		1		...	
ES-4, \$50,112.....	3		3		...	
GS/GM-15, \$44,547-50,112.....	10		10		...	
GS/GM-14, \$37,871-49,229.....	13		13		...	
GS/GM-13, \$32,048-41,660.....	39		38		-1	
GS-12, \$26,951-35,033.....	9		9		...	
GS-11, \$22,486-29,236.....	1		1		...	
GS-10, \$20,467-26,605.....	...		...		...
GS-9, \$18,585-24,168.....	5		3		-2	
GS-8, \$16,826-21,875.....	1		1		...	
GS-7, \$15,193-19,747.....	11		11		...	
GS-6, \$13,672-17,776.....	5		5		...	
GS-5, \$12,226-15,947.....	12		12		...	
GS-4, \$10,963-14,248.....	...		...		...
Total, appropriated positions.....	111	\$3,682	108	\$3,659	-3	-\$23
Pay above stated annual rates.....	...	13	...	13	...	...
Lapses.....	-1	-30	-1	-30	...	...
Net savings due to lower pay scales for part of year.....	...	-4	...	...	...	...
Net permanent.....	110	3,661	107	3,642	-3	-19

Community Relations Service

Salaries and expenses

Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1981 Estimate Workyears Amount	1982 Estimate Workyears Amount	Increase/Decrease Workyears Amount
11.1 Permanent positions.....	110	\$3,661	107 \$3,642 -3 -\$18
11.3 Positions other than permanent:			
Part-time permanent.....	...	...	...
Temporary employment.....	7	127	10 125 3 -2
Other part-time and intermittent employment.....	...	...	...
11.5 Other personnel compensation:	1	42	1 42 ...
Overtime.....	...	...	...
11.8 Special personal services payments.....	...	...	...
Total, workyears and personnel compensation.....	118	3,830	118 3,809 ... -20
12 Personnel benefits.....	327	330	3 31
21 Travel and transportation of persons.....	413	444	5 31
22 Transportation of things.....	5	5	...
23.1 Standard level user charges.....	396	427	31
23.2 Communications, utilities, and other rent.....	369	357	-12
24 Printing and reproduction.....	21	23	2
25 Other services.....	140	196	56
26 Supplies and materials.....	47	47	...
31 Equipment.....	17	17	...
Total obligations.....	5,565	5,665	90
Relations of obligations to outlays:			
Obligated balance, start-of-year.....	401	423	
Obligated balance, end-of-year.....	-423	-513	
Outlays.....	5,543	5,565	

DEPARTMENT OF JUSTICE
Legal Activities
Salaries and Expenses, Community Relations Service
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Community Relations Service
Salaries and Expenses

Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N10	Salaries and expenses, Community Relations Service.....	\$5,655,000	-\$342,000	\$5,313,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval.

Community Relations Service

Salaries and Expenses

Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	108	117	\$5,655
Proposed amendment.....	-20	-15	-342
Revised request.....	88	102	5,313

Explanation of Request

This amendment will permit the Community Relations Service to continue to provide assistance to communities in the prevention and conciliation of community conflicts.

Community Relations ServiceSalaries and ExpensesSummary of Requirements
(Dollars in thousands)

Comparison by Program	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Prevention and Conciliation of Community Disputes:						
Technical Assistance.....	5	\$234	-1	-\$33	4	\$201
Program Operations.....	82	4,293	-17	-309	65	3,984
Executive Direction and Control.....	16	942	-2	-3	14	942
Administrative Services.....	5	186	-1	-	5	186
Total.....	108	\$5,655	-20	-\$342	88	\$5,313

JUSTIFICATION OF REQUIREMENTS

(Dollars in thousands)

	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Technical Assistance.....	5	\$234	-1	-1	4	\$201

With this reduction, CRS expects to eliminate one specialist position. This reduction reflects the elimination of one program specialist in the Office of Technical Assistance.

	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Program Operations.....	82	4,293	-17	-10	65	3,984

By being more selective in responding to requests for service, CRS is able to function with a reduced field staff. This reduction reflects that reduced need.

	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Executive Direction and Control....	16	942	-2	-3	14	942

With reduced field activity, there is lesser need for Headquarters level evaluation and planning. This reduction reflects the elimination of two program analysts.

	1982 Request			1982 Proposed			1982 Revised		
	Pending			Amendment			Request		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Administrative Services.....	5	7	186		-1		5	6	186

The reduction of one workyear eliminates the authority for one temporary position in the Administrative Office.

Community Relations Service

Salaries and Expenses

Financial Analysis
(Dollars in thousands)

Grade and object class	1982 Proposed Amendment		Technical Assistance		Program Operations		Executive Dir. and Control		Administrative Services	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-13.....	-11	...	...	...	-10	...	-1	...	...	...
GS-12.....	-2	...	-1	...	...	...	-1	...	...	...
GS-05.....	-7	...	...	...	-7	...	...	...	...	...
Total positions and annual rates.....	-20	-488	-1	-30	-17	-399	-2	-59	...	...
Lapse.....	5	189	...	...	7	128	59	59	...	...
Other Positions.....	...	...	...	...	2	...	-1	...	-1	...
Full-time equivalent employment and re- lated permanent compensation.....	-15	-299	-1	-30	-10	-269	-3	...	-1	...
Personnel benefits.....	-33	...	-3	...	-30	...	...	...	...	...
Travel and transporta- tion of persons.....	...	...	...	...	...	...	...	...	...	...
Transportation of things.....	...	...	...	...	...	...	...	...	...	...
Standard level user charges.....	...	...	...	...	...	...	...	...	...	...
Communications, util- ities, other rent.....	...	...	...	...	...	...	...	...	...	...
Other services.....	-8	...	...	...	...	...	...	...	...	...
Supplies and materials..	...	...	...	...	...	...	...	...	...	...
Equipment.....	-2	...	...	...	-2	...	...	...	...	...
Total workyear and obligations, 1982..	-15	-\$342	-1	-33	-10	-309	-3	...	-1	...

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised
500-101

DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	1962 Request <u>Pending</u>	1962 Proposed <u>Amendment</u>	1962 Revised <u>Request</u>
15-0500-0-1-752			
Program by activity: Prevention and conciliation of community disputes.....	\$5,655	-\$342	\$5,313
<u>Financing:</u>			
40.00 Budget authority (<u>appropriation</u>).....	5,655	-342	5,313
Relations of obligations to outlays:			
71.00 Obligations incurred, net	5,655	-342	5,313
72.00 Obligated balance, start of year.....	423	...	423
74.00 Obligated balance, end of year.....	-513	...	-513
90.00 Outlays.....	5,565	-342	5,223

STANDARD FORM 304
May 1969, Bureau of the Budget
Circular No. A-11, Revised
304-103

DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE
SALARIES AND EXPENSES
OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	Request	Proposed	Revised
15-0500-0-1-752	Pending	Amend.	Request
Personnel compensation:			
11.1 Permanent positions	3,642	-299	3,343
11.3 Positions other than permanent	125	...	125
11.5 Other personnel compensation	42	...	42
11.8 Special personal services payments .....	...	...	...
Total personnel compensation	3,809	-299	3,510
Personnel benefits:			
12.1 Civilian	330	-33	297
13.0 Benefits for former personnel .....	...	...	...
21.0 Travel and transportation of persons	444	...	444
22.0 Transportation of things	5	...	5
23.1 Standard level user charges	427	...	427
23.0 Rent, communications, and utilities	357	...	357
24.0 Printing and reproduction	23	...	23
25.0 Other services	196	-8	188
26.0 Supplies and materials	47	...	47
31.0 Equipment	17	-2	15
32.0 Lands and structures			
33.0 Investments and loans			
41.0 Grants, subsidies, and contributions			
42.0 Insurance claims and indemnities			
43.0 Interest and dividends			
44.0 Refunds			
99.0 Total obligations	5,655	-342	5,313

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised
5010-104

DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE
SALARIES AND EXPENSES

Identification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-15.0--1-752			
Total number of full-time permanent positions.....	100	-20	88
Total compensable workyears:			
Full-time equivalent employment.....	117	-15	102
Full-time equivalent of overtime and holiday hours....	1	...	1
Average GS grade.....	11.14	10.10	11.39
Average GS salary.....	\$3,800	19,341	38,400
Average salary of ungraded positions.....	...	...	...

STANDARD FORM 306
July 1961, Bureau of the Budget
Circular No. A-11, Revised.
50c-103

DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE
SALARIES AND EXPENSES
DETAIL OF PERMANENT POSITIONS

15-0500-0-1-752	1982 Request Pending	1982 Proposed Permanent	1982 Revised Request
Executive Level IV.....	1	...	1
Subtotal.....	1	...	1
ES-5.....	1	...	1
ES-4.....	3	...	3
GS/GM-15.....	10	...	10
GS/GM-14.....	13	...	13
GS/GM-13.....	38	-11	27
GS-12.....	9	-2	7
GS-11.....	1	...	1
GS-09.....	3	...	3
GS-08.....	1	...	1
GS-07.....	11	...	11
GS-06.....	5	...	5
GS-05.....	12	-7	5
Subtotal.....	108	-20	88
Ungraded.....	...	...	...
Total permanent positions.....	108	-20	88
Unfilled positions, Sept. 30.....	...	...	...
Total permanent employment, end of year....	108	-20	88

Mr. SMITH. Do you have a statement?

GENERAL STATEMENT

Mr. POMPA. I have a statement that I will submit for the record, if I may, Mr. Chairman. I will just give you a synopsis of it.
[Mr. Pompa's prepared statement follows:]

STATEMENT OF THE DIRECTOR OF THE COMMUNITY RELATIONS SERVICE
GILBERT G. POMPA
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE
THE JUDICIARY AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the Community Relations Service.

The Community Relations Service budget request is for \$5,313,000 and 88 positions. This represents a reduction of 23 positions from our appropriations request for Fiscal Year 1981.

As you know, the Community Relations Service was established by the Congress in 1964 to help communities deal with racial and ethnic conflict through voluntary processes.

For 16 years, the agency has served as the Federal Government's race relations troubleshooter. Its role has been flexible to meet a variety of challenges and changing patterns of racial crisis. Helping to resolve the nation's headlined confrontations in such places as Selma, Skokie, Wounded Knee and Atlanta--helping to bind up the wounds of a Miami riot or a Cleveland school crisis--comprise only a small part of the agency's caseload. Its tri-racial, bilingual staff of conciliators and mediators who work out of ten regional offices, spend most of their time dealing with day-to-day community

disputes affecting law enforcement, schools, prisons, housing patterns, industrial settings and Indian treaty rights. Its work in these cases helps prevent other Miamis and Wounded Knees.

In speeding the peaceful resolution of disputes, in reducing the number of conflicts that escalate into major confrontations, and in bringing controversy from the streets to the conference table, CRS contributes to the Federal Government's obligation to insure domestic tranquility.

The agency logs about 1,700 cases a year, and deals extensively with almost a thousand. The primary focus of the agency's work is in the local community where it helps local officials and organizations resolve their own conflicts and thereby forestall avoidable confrontation.

As an integral part of the criminal justice system, CRS gives the U.S. Justice Department and the Federal Government an additional and often a more effective tool than law enforcement by force or prosecution for the resolution of racial/ethnic conflict. Community Relations Service specialists, utilizing low-key voluntary, cooperative approaches of conciliation and mediation, help move conflicting parties from a stage of high tension and dangerous confrontation to cooperation and problem-solving.

This request for \$5,313,000 and 88 positions is consistent with the obligation of all Federal agencies to share appropriately in the Administration's efforts to reduce Federal spending and the size of the Federal work force.

I believe that this reduction, while it will entail hard choices, will not jeopardize the essential mission of the agency.

I say so for the following reasons. For the past 3 years CRS has engaged in a management improvement program which has succeeded in its aim of increasing productivity. Further increases in productivity will minimize the reduction of service necessitated by belt-tightening in Fiscal Year 1982. Our improved use of automatic data processing will permit some slight reductions in our already lean headquarters staff. To accommodate reductions in the field we will make adjustments in case selection priorities so as to lessen the impact of resource reduction in the areas of greatest need.

For example, one problem area upon which we will continue to focus is the area of Administration of Justice. Consistent with the Department's priority to support the curtailment of violent crime, we will continue to assign highest priority to the cultivation of community cooperation with law enforcement.

The self-seeding mutual antagonism between local law enforcement agencies and minority citizens hampers the control of crime and is the greatest source of requests for CRS assistance. The most volatile cases of community conflict stem from those instances in which police are alleged to have wrongfully killed a minority person or otherwise used excessive force. A special

CRS emphasis initiated 3 years ago to reduce problems stemming from charges of excessive force is beginning to show tangible results. Increasingly police executives are requesting CRS technical assistance. CRS believes that with concentrated effort the number of citizens shot by police under circumstances when such action was clearly not necessary can be cut in half within the next 4 years. Such a dramatic change would permit a significant improvement in the level of police/minority cooperation against crime and permit the flourishing of what should be a natural alliance against those who commit violent street crime.

We also expect to be able to respond satisfactorily to conflicts in certain problem areas from which we are facing a growing demand. Here I refer to cases stemming from the growth and increased activity of the Ku Klux Klan and similar groups, and the reaction of minority groups to these activities and to other acts of racial harassment. I also have in mind the conflicts and disorders accompanying the resettlement of Indo-Chinese refugees. These confrontations are likely to continue to increase as the number of refugees increases and as they increase their efforts to gain a place in the economy in the face of competing and antagonistic Whites and other minority groups.

This concludes my opening statement, Mr. Chairman. I welcome the opportunity to respond to the Committee's questions.

Mr. POMPA. Mr. Chairman and members of the subcommittee, I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the Community Relations Service. The agency's budget request is for \$5,313,000 and 88 positions. This represents a reduction of 23 positions from our appropriation request for fiscal year 1981. I believe that this reduction, while it will entail hard choices, will not significantly jeopardize the essential mission of the agency. I say so for the following reasons:

For the past three years we have utilized a management improvement program which has succeeded in its aim of increasing productivity, and I feel that this increased productivity will minimize the impact of the reduction of the service. Additionally, our improved use of automated data processing will permit us to reduce some of our Washington headquarters support staff.

Finally, to accommodate reductions in the field, we will make adjustments in our case priority criteria in order to concentrate and hopefully maximize our impact in those areas of greatest need.

This concludes my opening statement, Mr. Chairman. I will be happy to respond to the committee's questions.

POSITION REDUCTION

Mr. SMITH. How many positions would be eliminated as a result of the reduced request?

Mr. POMPA. Twenty-three, sir.

Mr. SMITH. And are these positions filled?

Mr. POMPA. Yes, sir.

Mr. SMITH. How will you accomplish the reduction? Are you going to do it by attrition?

Mr. POMPA. We will have to do it through a reduction in force. There is very little attrition in the agency now, sir.

Mr. SMITH. A reduction in force. How much will a reduction in force cost compared to waiting until you could do it by attrition? That costs money, too, doesn't it?

Mr. POMPA. Yes, sir.

Mr. SMITH. Do you have a calculation of how much that is going to cost?

Mr. POMPA. No, sir, I don't have any idea how much more it would cost.

Mr. SMITH. Does that come out of your budget if you have a reduction in force? Will they have to pay the unemployment?

Mr. ROONEY. Yes, they would, Mr. Chairman.

Mr. SMITH. Do you know how much that would cost?

Mr. ROONEY. My understanding is that some of it is factored into the dollar amount requested.

Mr. SMITH. It is?

Mr. ROONEY. For the Community Relations Service.

Mr. HOUK. We estimate that it would cost approximately \$16,000, or one-half of the average annual salary per employee, for a reduction in force.

Mr. SMITH. So, terminating someone will end up costing half as much as keeping him?

Mr. HOUK. For that one fiscal year, that is correct.

EFFECT OF REDUCTION IN FORCE ON CASELOAD

Mr. SMITH. What effect will this RIF have on your caseload?

Mr. POMPA. It will probably require some rethinking in terms of some of the categories of cases that we now handle. For example, one of the areas that we are involved in now is the court referral program, and some of these we will have to rethink in terms of the numbers and type of cases that we will accept. What we intend to do, as I stated in my opening statement, is take a look at our case selection process in terms of the priority and types of cases that we will be undertaking.

Mr. SMITH. Under the law, can we determine which kinds of cases you would not want to handle?

Mr. POMPA. I think we would do it that way, Mr. Chairman. What we would probably do is maximize our impact in the areas of greatest need. For example, in the administration of justice area, we would probably take all of the cases that deal with police abuse, but in other areas only take a representative few. Hopefully this would maximize our efforts by taking on cases that would have enough of an impact in terms of publicity to serve as a deterrent for the types of abuses in that area.

MISSION OF CRS

Mr. SMITH. That isn't really the way the Community Relations Service is supposed to work, is it?

Mr. POMPA. I am sorry, I didn't understand the question, sir.

Mr. SMITH. The Community Relations Service is not really supposed to work by pursuing some prominent cases and then using that as a deterrent effect, is it? Is that the way it is supposed to work?

Mr. POMPA. The mandate places on us the responsibility to provide our services to communities in resolving disputes and disagreements, difficulties related to race, color or national origin.

Mr. SMITH. It is really a low-profile approach, isn't it?

Mr. POMPA. That is true.

Mr. SMITH. Instead of a high profile. Aren't you talking about a high-profile approach?

Mr. POMPA. No, sir. What I meant by maximizing our impact in terms of serving as a deterrent, I meant by that, if obviously we took on police abuse cases in a city like Houston, the deterrent effect that our involvement would have would spin off to other areas of the State, and hopefully we would not have to get involved in other cases in the State of Texas.

Mr. SMITH. Mr. Dwyer?

Mr. DWYER. No questions, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Pompa.

Mr. POMPA. Thank you, sir.

TUESDAY, APRIL 2, 1981.

FEDERAL BUREAU OF INVESTIGATION

WITNESSES

WILLIAM H. WEBSTER, DIRECTOR

LEE COLWELL, EXECUTIVE ASSISTANT DIRECTOR, ADMINISTRATION

FRANCIS M. MULLEN, JR., EXECUTIVE ASSISTANT DIRECTOR, INVESTIGATIONS

L. CLYDE GROOVER, JR., INSPECTOR, DEPUTY ASSISTANT DIRECTOR, FINANCIAL MANAGEMENT BRANCH, ADMINISTRATIVE SERVICES DIVISION

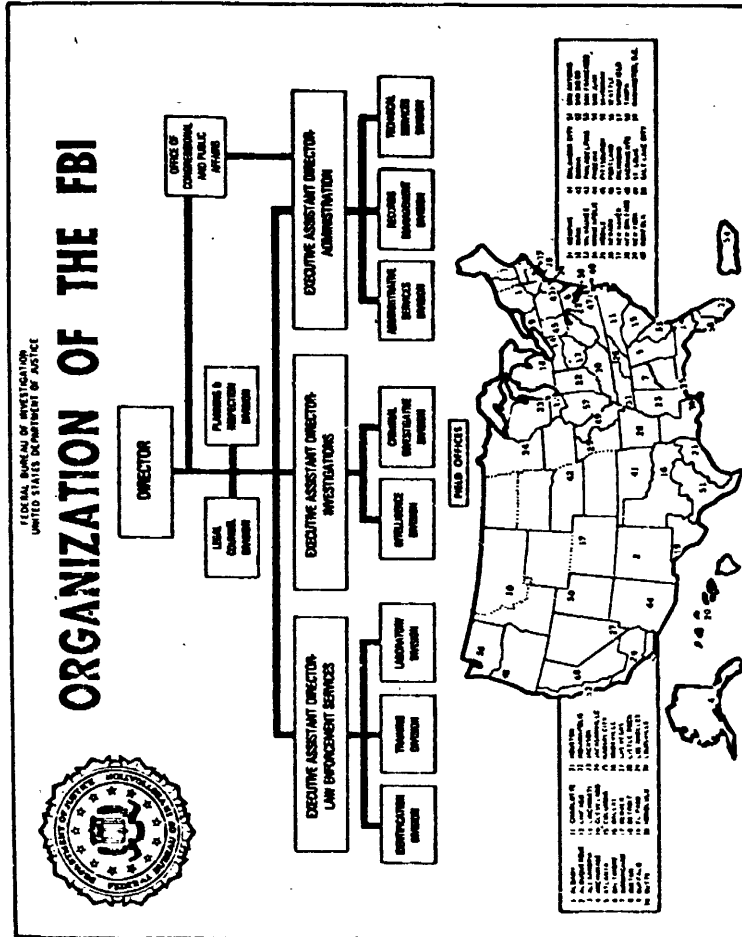
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

Mr. SMITH. This morning we will consider the fiscal year 1982 budget request for the FBI. The request for fiscal year 1982 is \$739,013,000. This is an increase of \$28,577,000 over the base amount. We will insert the original justification materials as well as the amended materials at this point in the record.

[The justifications follow:]

Department of Justice
Federal Bureau of Investigation
Estimates for Fiscal Year 1982
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Federal Bureau of Investigation

Summary Statement

Fiscal Year 1982

The Federal Bureau of Investigation is requesting for 1982, a total of \$743,566,000 and 19,421 permanent positions. This request represents an increase over the anticipated 1981 appropriation of \$60,737,000 and 115 positions.

The primary mission of the Federal Bureau of Investigation is to investigate violations of laws over which the Federal Bureau of Investigation has jurisdiction and to provide information relating to applicants, civil matters, and national security to the Executive Branch of the Federal Government.

The Federal Bureau of Investigation contains five budget activities incorporating twenty-three programs. The budget activities are: Criminal, Security, and Other Investigations; Coordination of Investigations; Investigative Support; State and Local Assistance; and Program Direction. The major initiatives and resource requests for 1982 for these activities and attendant programs are summarized below.

Criminal, Security, and Other Investigations:

This investigative activity represents 61 percent, or \$450,817,000, of the FBI's appropriation request for fiscal year 1982. Some of the principal investigative decision units which comprise this activity and the requested funding are Organized Crime; White-Collar Crime; Terrorism; Personal Crimes; Fugitive and Other Field Programs. In keeping with the desires of the President and the Attorney General, white-collar crime, including political corruption; organized crime; and foreign counterintelligence, continue to be the areas in which the FBI places the largest amount of its resources and investigative talents, for within these areas is the greatest threat to the moral, economic, and domestic stability of the United States. The FBI will continue to pursue new approaches to high priority investigative areas, in addition to fulfilling its other responsibilities.

In evaluating the overall performance of the FBI, certain benefits which result from the distribution of investigative resources are not readily discernible, but nonetheless merit consideration. Investigative resources are budgeted programatically (e.g., agents allocated to the Fugitive Program). However, if the services of these agent positions were confined solely to fugitive matters, the assignment of only a few agents to various judicial districts in the country would result requiring extensive travel by these few agents. It would be impossible to have a national impact on this criminal problem. Consequently, the agent force is geographically distributed so that the workload in all investigative programs can be equitably shared. A strategically stationed agent force provides broad and immediate coverage of any investigative or security matter during critical situations while the more routine assignments can be handled without necessitating extensive travel. This enables the agents to become familiar with problems in their territory and develop and maintain liaison with state and local authorities, an immeasurable aid in the handling of investigative matters in an expeditious matter.

Coordination of Investigations:

To support this activity the FBI is requesting \$16,328,000, or two percent of the total request for fiscal year 1982. This activity includes funding for the overall supervision and guidance of the above-mentioned field investigative programs. Coordination of Investigations serves as an activity which provides centralized management for the direction of investigations on a nationwide basis, insures the efficiency of field operations, and oversees the assignment of field manpower.

Investigative Support:

The Investigative Support activity comprises approximately 19 percent (\$144,052,000) of the 1982 request. The following decision units in the activity are: Training; Forensic Services - Federal; ADP and Telecommunications; Legal Attaches; Records Management; and Technical Field Support and Equipment. This activity provides the training and "tools" necessary to meet the demands of the FBI's objectives. It includes the maintenance of all investigative and personnel records and the entire communications system of the FBI. A major initiative in 1982 will be in the ADP and Telecommunications Program.

State and Local Assistance:

The FBI provides state and local law enforcement officials with training, laboratory, fingerprint identification, and information services. These services consist of approximately 13 percent of the requested funding. It includes the following decision units: General Law Enforcement Training; Forensic Services - Non-Federal; Fingerprint Identification; and Criminal Justice Data and Statistics Services. These services are important to local and state law enforcement as well as providing Federal law enforcement with valuable services received in return from local and state authorities. A funded level of \$94,459,00 is requested for this activity.

Program Direction:

This activity consists of two decision units: Executive Direction and Control and Administrative Services. The FBI has requested \$20,083,000 and \$17,827,000, respectively, for these units which total approximately five percent of the 1982 request. It includes the management, direction, administration, legal, planning, inspection, and financial functions of the FBI.

Federal Bureau of Investigation

Proposed Authorization Language

The Federal Bureau of Investigation is requesting the following authorization language:

For the Federal Bureau of Investigation including -

- (A) expenses necessary for the detection and prosecution of crimes against the United States;
- (B) protection of the person of the President of the United States and the person of the Attorney General;
- (C) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;
- (D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;
- (E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;
- (F) acquisition, lease, maintenance, and operation of aircraft;
- (G) purchase of firearms and ammunition;
- (H) payment of rewards;
- (I) benefits in accordance with, or comparable to, benefits provided under sections 901(3), (5), (6), (8), (9), and 904 of the Foreign Service Act of 1980 (22 USC 4081 (3), (5), (6), (8), (9) and 22 USC 4084,) under regulations issued by the Secretary of State;*
- (J) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on his certificate;

\$743,566,000.

* This language is similar to language presented in the 1981 Department of Justice Authorization Bill. It does not contain any significant substantive changes in authorities. This new language conforms the 1982 Authorization Bill with the Foreign Service Act of 1980. Prior authorization language was based upon the Foreign Service Act of 1946.

- (K) None of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.
- (L) Using sums authorized to be appropriated by this Act, the Federal Bureau of Investigation shall classify the offense of arson as a Part I crime in its Uniform Crime Reports.
- (M) Notwithstanding the second paragraph relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than, the end of fiscal year ending September 30, 1982.
- (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—
- (1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679 (a) of the Revised Statutes (31 U.S.C. 665 (a)), section 3732 (a) of the Revised Statutes (41 U.S.C. 11 (a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));
 - (2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);
 - (3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and
 - (4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, an Executive Assistant Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) (1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1980, and -

- (A) report the results of each audit in writing to the Department of Justice, and
- (B) report annually to the Congress concerning these audits.

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation -

- (A) in which the gross receipts exceed \$50,000 and
- (B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

Federal Bureau of Investigation

Justification of Proposed Changes in Authorization Language

The Federal Bureau of Investigation is requesting the following new language to be added to its authorities in 1982.

\$743,566,000 of which \$8,000,000 for automated data processing and telecommunications and \$600,000 for undercover operations shall remain available until September 30, 1983.

This language would provide authority for the FBI to expend \$8,600,000 over a two-year period in conjunction with its planned ADP/T thrust for 1982 and for undercover operations which might extend beyond the fiscal year due to unforeseen operational requirements. Potential ADP/T procurement delays intensify the need for extended funding availability in this highly technical area.

Federal Bureau of InvestigationSalaries and expensesProposed Appropriation Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored, and deleted matter is enclosed in brackets.

For expenses necessary for the detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand [one] hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; (\$629,720,000.) five

\$743,566,000 of which \$8,000,000 for automated data processing and telecommunications and \$600,000 for undercover operations shall remain available until September 30, 1983.

Explanation of changes:

1. The first change pertains to the overall number of passenger-carrying vehicles to be purchased. The 1982 request includes provision for the purchase of 1,500 automobiles for replacement only. The 1981 appropriation provides for 1,100 automobiles, which are also entirely for replacement.
2. The second change would provide two-year funding in the amount of \$8,000,000 for automatic data processing and telecommunications procurements and \$600,000 for undercover operations through September 30, 1983.

Federal Bureau of Investigation

Crosswalk of 1981 Changes
(Dollars in Thousands)

	1981's President's Budget Request			Reprogrammings			1981 Supplemental Requested		1981 Appropriation		
	Pos.	Years	Amount	Pos.	Years	Amount	Program Amt.	Pay Amt.	Pos.	Years	Amount
Criminal, Security, and Other Investigations:											
Other Field Programs	4,755	4,620	167,199	-35	-34	\$-2,568	...	\$11,042	4,720	4,586	\$175,673
Organized Crime	1,980	1,923	67,559	127	120	5,060	\$3,810	4,910	2,109	2,043	81,339
White-Collar Crime	2,957	2,869	98,459	35	34	1,006	4,025	6,901	2,992	2,903	110,391
Fugitive	536	518	22,630	-200	-193	-8,337	...	1,024	336	325	15,317
Personal Crimes	1,021	992	35,369	52	52	2,010	...	2,638	1,073	1,044	40,017
Terrorism	246	237	9,976	...	...	-79	...	662	246	237	10,559
SUBTOTAL	11,495	11,159	401,192	-21	-21	-2,908	7,835	27,177	11,474	11,138	433,296
Coordination of Investigations:											
	486	474	15,093	-1	...	-232	30	1,072	485	474	15,963
Investigative Support:											
Training	232	225	8,939	8	8	239	42	558	240	233	9,778
Forensic Services-Federal	288	280	10,480	...	...	-20	200	565	288	280	11,245
ADP & Telecommunications	391	380	31,000	9	9	3,048	1,580	526	400	389	36,154
Legal Attaches	46	44	1,638	11	11	322	...	90	57	55	2,050
Records Management	1,204	1,168	23,432	307	298	6,230	306	2,001	1,511	1,316*	31,969
Technical Field Support	128	124	19,754	2	2	836	324	263	130	126	21,177
& Equipment	2,289	2,221	95,243	337	328	10,655	2,452	4,023	2,626	2,399	112,373
SUBTOTAL	2,289	2,221	95,243	337	328	10,655	2,452	4,023	2,626	2,399	112,373

* Adjusted to reflect the effects of the current one-for-two hiring limitation.

Federal Bureau of Investigation

Crossover of 1981 Changes
(Dollars in Thousands)

	1981's President's			Reprogrammings			1981 Supplemental		1981	
	Pos.	Years	Amount	Pos.	Years	Amount	Program Amt.	Pay Amt.	Pos.	Amount
State and Local Assistance										
Gen. Law Enforcement Trng.	360	349	14,474	...	...	-150	42	870	360	349
Forensic Serv. - Non-Fed	121	118	5,384	...	...	-11	128	266	121	118
Fingerprint Ident.	3,020	3,117	55,469	3	3	699	1,401	3,882	3,023	2,862*
Criminal Justice Data										61,451
& Statistics Services	186	181	3,551	10	10	425	...	274	196	191
SUBTOTAL	3,687	3,765	78,878	13	13	963	1,571	5,292	3,700	3,521*
Program Direction:										86,704
Executive Direction										
& Control	797	761	24,550	-315	-307	-7,050	44	1,086	472	454
Administrative Services	562	545	14,764	-13	-13	-1,428	1,755	772	549	532
SUBTOTAL	1,349	1,306	39,314	-328	-320	-8,478	1,799	1,858	1,021	986
TOTAL	19,306	18,925	\$629,720	...	...	...	13,687	39,422	19,306	18,518
										682,829

* Adjusted to reflect the effects of the current one-for-two hiring limitation.

Explanation of Analysis of Changes from 1981 Appropriation Request

Reprogrammings

The reprogrammings include: Minor personnel reorganizations or transfers of functions between programs; transfers of dollar resources, such as rental, utilities, communications, postage, and other services' funding, to the programs which have historically been obligating the funds in order to meet changing financial plans; transfer of the Freedom of Information and Privacy Acts (FOIPA) program activity resources (309 positions, 300 work-years, and \$6,594,000) from the Executive Direction and Control decision unit (Program Direction budget activity) to the Records Management decision unit (Investigative Support budget activity) consolidating resources under one program manager to provide for more effective program management; and a transfer of resources (10 positions, 10 work-years, and \$310,000) from the Criminal, Security, and Other Investigations budget activity to the Investigative Support budget activity to establish a Terrorism Preparedness Program in order to develop a crisis management capability by the FBI to sufficiently respond to life-threatening incidents, such as hostage taking, terrorism, assassinations, and aircraft hijacking. An additional 1981 reprogramming is planned to include the transfer of resources (11 positions, 11 work-years and \$349,000) from the Fugitive program to the Legal Attaches program as recommended by the Congressional committees to re-establish the Legal Attaches program to the FY 1980 level. The planned 1981 reprogrammings also include the FBI's assumption of responsibility for the management of the Hazardous Devices Course at Redstone Arsenal, Alabama, which provides the only available training for the basic course in the safe handling of explosives. The General Law Enforcement Training program will absorb the resource responsibility within its 1981 level for the Hazardous Devices Course. The reprogrammings are expected to be permanent and are carried forward into 1982.

Supplementals Requested

1. The pay raise (Executive Order 12246, dated October 16, 1980) was mandated by P.L. 96-369, continuing Appropriations, 1981.
2. Supplemental funding is requested for uncontrollable increases in the areas of travel and transportation of persons; payments to the General Services Administration; gasoline; other supplies and other services. This proposed supplemental would also provide funding to sustain the Automated Identification Division System developmental effort through January 31, 1981.

Federal Bureau of Investigation
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Summary of adjustments to base and built-in changes:

	1980 Enacted		1980 Actual**		1981 Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY
1981 as enacted.....												
Supplemental requested.....												
1981 Pay supplemental requested.....												
1981 Program supplemental requested.....												
1981 Appropriation anticipated.....												
Uncontrollable increases.....												
Decreases.....												
Other adjustments**.....												
1982 base.....												
Estimates by												
Budget activity												
1. Criminal, security, and other investigations.....	11,337	11,009	11,337	11,358	10,798	10,969	11,474	11,138	11,444	11,444	11,159	11,159
2. Administration of other investigations.....	455	445	455	445	399	400	474	474	474	474	475	475
3. Investigative support.....	2,290	2,222	2,290	2,304	2,109	2,109	2,626	2,399	2,626	2,546	2,671	2,592
4. State and local assistance.....	4,326	4,193	4,326	4,291	3,862	3,862	4,326	4,326	4,326	4,326	4,326	4,326
5. Program direction.....	1,330	1,286	1,330	1,330	1,228	1,228	1,443	1,443	1,443	1,443	1,443	1,443
Total.....	19,738	19,155	19,738	19,738	18,796	18,796	21,326	20,786	21,326	20,786	21,326	20,786

* Adjusted to reflect the effects of the current one-for-two hiring limitation.

** Technical adjustments result in the net effect of restoring full-time work-years reduced by the hiring limitation and the allowance of ADP, travel, and other services increases to the 1982 base.

*** Excludes \$3,500,000 obligated carryover in General Services Administration Allocation Account.

Federal Bureau of Investigation
Summary of Resources by Program
(Dollars in thousands)

	1980 AS ENACTED			1980 ACTUAL			1981			1982 BASE			1982 ESTIMATE			INCREASE/DECREASE		
	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount
	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)
Criminal, Security, and Other Investigations:																		
Other Field Programs	4,573	4,442	\$159,617	4,634	4,405	\$161,231	4,720	4,586	\$175,673	4,720	4,586	\$181,067	4,782	4,646	\$185,534	62	60	\$4,467
Organized Crime	2,147	2,087	75,764	2,139	2,033	74,727	2,107	2,043	81,339	2,107	2,049	82,409	2,107	2,049	83,832	—	—	1,423
White-Collar Crime	2,916	2,828	98,448	2,906	2,763	97,504	2,992	2,903	110,391	2,992	2,903	113,774	2,992	2,903	114,896	—	—	1,122
Fugitive	354	343	15,356	342	325	11,701	336	325	15,317	336	325	15,986	311	300	14,869	-25	-1	-1,117
Personal Crimes	1,092	1,063	36,964	1,102	1,048	37,735	1,073	1,044	40,017	1,073	1,044	41,156	1,073	1,044	41,156	—	—	—
Terrorism	255	246	10,168	235	224	8,071	246	237	10,559	246	237	10,816	225	217	10,530	-21	-20	-286
SUBTOTAL	11,337	11,009	356,317	11,358	10,768	350,969	11,474	11,138	433,296	11,474	11,144	445,208	11,490	11,159	450,817	16	15	5,609
Coordination of Investigations:																		
Investigative Support:	455	445	14,200	455	399	12,752	485	474	15,963	485	475	16,832	485	475	16,328	—	—	-504
Training	232	225	8,322	246	238	9,409	240	233	9,778	240	233	10,862	256	249	12,225	16	16	1,363
Forensic Services-Federal	283	275	9,722	283	259	10,335	288	280	11,245	288	280	11,872	312	301	14,516	24	21	2,644
Legal Attaches	57	55	2,378	57	50	3,573	57	55	2,050	57	55	2,074	57	55	2,074	—	—	—
ADP & Telecommunications	393	382	25,037	393	367	33,416	400	389	36,154	406	394	38,556	406	394	51,268	—	—	12,712
Records Management	1,202	1,166	22,782	1,202	1,076	19,884	1,511	1,316	31,969	1,501	1,458	32,968	1,501	1,458	33,950	—	—	982
Technical Field Support & Equipment	123	119	20,706	123	119	20,358	130	126	21,177	130	126	23,184	139	135	30,019	9	9	6,835
SUBTOTAL	2,750	2,722	88,947	2,304	2,109	56,975	2,626	2,398	112,373	2,622	2,546	119,516	2,671	2,592	144,052	49	46	24,536

Federal Bureau of Investigation
Summary of Resources by Program
(Dollars in thousands)

	1980 AS ENACTED			1981			1982 BASE			1982 ESTIMATE			INCREASE/DECREASE		
	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount	Perm.	Work-	Amount
	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)	Pos.	Years	(\$000)
State and Local Assistance:															
Gen. Law Enforcement Trng.	447	434	\$14,408	412	386	\$14,949	360	349	\$16,663	396	384	\$18,433	36	35	\$1,770
Forensic Serv. - Non-Fed	152	148	5,233	152	139	5,550	121	118	5,767	121	119	6,782	1	1	391
Fingerprint Ident.	3,531	3,420	62,144	3,531	3,161	56,589	3,023	2,863	61,451	3,031	3,049	63,954	—	—	1,275
Criminal Justice Data	196	191	3,841	196	176	4,118	196	191	4,250	196	191	5,290	—	—	—
& Statistical Services	8,326	4,193	85,726	4,291	3,862	83,106	3,700	3,521	86,704	3,708	3,743	94,459	37	36	3,436
SUBTOTAL															
Program Direction:															
Executive Direction	781	754	24,022	781	724	23,831	472	454	18,630	480	462	20,083	—	—	—
& Control	549	532	12,730	549	504	13,612	549	532	15,983	549	532	17,774	—	—	—
Administrative Services	1,330	1,286	36,752	1,330	1,228	37,443	1,021	986	34,493	1,029	994	37,857	1,030	995	37,510
SUBTOTAL															
TOTAL	19,738	19,155	\$621,942	19,738	18,396	\$621,245	19,306	18,518	\$602,829	19,318	18,866	\$710,436	19,421	18,964	\$743,566
Other Workyears	35			35			35			35			35		
Holiday	1,073			1,082			2,110			1,703			1,703		
Overtime	20,893			20,313			20,683			20,604			20,702		
Total compensable workyears															

FEDERAL BUREAU OF INVESTIGATION
JUSTIFICATION OF PROGRAM AND PERFORMANCE
ACTIVITY RESOURCE SUMMARY

Activity: Criminal, Security, and Other Investigations	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Other Field Programs.....	4,720	4,586	\$175,673	4,720	4,586	\$181,067	4,782	4,646	\$185,534	62	60	\$4,467
Organized Crime.....	2,107	2,043	81,339	2,107	2,049	82,409	2,107	2,049	83,832	...	...	1,423
White-Collar Crime.....	2,992	2,903	110,391	2,992	2,903	113,774	2,992	2,903	114,896	...	...	1,122
Fugitive.....	336	325	15,317	336	325	15,986	311	300	14,869	-25	-25	-1,117
Personal Crimes.....	1,073	1,044	40,017	1,073	1,044	41,156	1,044	1,044	41,156	...	...	---
Terrorism.....	246	237	10,559	246	237	10,816	225	217	10,530	-21	-20	-286
Total.....	11,474	11,138	\$433,236	11,474	11,144	\$445,208	11,490	11,159	\$450,817	16	15	\$5,609

This budget activity includes resources for all field investigative operations for the Federal Bureau of Investigation. These operations are conducted out of 59 field offices and more than 400 resident agencies located throughout the United States and Puerto Rico. Field offices are responsible for all investigations including the national priority law enforcement areas of organized crime, white-collar crime, and foreign counterintelligence.

Activity: Criminal, Security, and Other Investigations	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Other Field Programs.....	4,720	4,586	\$175,673	4,720	4,586	\$181,067	4,782	4,646	\$185,534	62	60	\$4,467

Long-Range Goal: To reduce the incidence of various general criminal activities, conduct appropriate applicant, antitrust, civil rights, and civil investigations as directed by law and the Attorney General, and to counter within the United States the hostile operations of foreign intelligence officers, agents, and foreign terrorists.

Major Objectives:

To identify, penetrate, and neutralize intelligence operations and activities inimical to the U.S.

To conduct all antitrust and civil investigations requested by the Department of Justice on a timely basis.

To conduct thorough background investigations on a timely basis for The White House, the Department of Justice, certain Congressional committees, and other Federal agencies.

To investigate cases involving crimes against the person and those property crimes which involve large losses of Federal funds, property, Government owned weapons, or explosives.

To identify those individuals and organized criminal groups responsible for the major violations of Federal property crime statutes; such as, commercial theft rings, burglary rings, and fences.

To investigate alleged violations of the various civil rights laws, both self-initiated and at the request of the Attorney General.

Base Program Description: This is the largest of the investigative programs in this budget activity. The program consists of a myriad of diverse investigative activities including antitrust matters, civil matters, applicants, property crimes, foreign counterintelligence matters, crimes on Indian reservations, and thefts of government property.

The FBI receives notification of criminal violations from victims, other law enforcement agencies, confidential sources, and concerned citizens. The complaints, either written or oral, are assigned to special agents in the appropriate FBI field office. Some are immediately presented to a United States Attorney for prosecutive opinion. Others are investigated to a point of gathering necessary facts before presentation to a United States Attorney. Still others are investigated and the results of the investigation are reported to the Department of Justice pending further investigative or prosecutive determination. Those matters not prosecuted by the United States Attorney are referred to state and local law enforcement agencies where appropriate. Investigations are conducted primarily by interviews of victims, witnesses and suspects by the FBI special agent force. Additional analysis and technical expertise are provided by staffs of the various investigative support units at FBI Headquarters.

Applicant matters are referred to the FBI by The White House, the Congress, the Department of Justice, and other Federal agencies. These matters are assigned to special agents for investigation usually on an expedite basis. Reports are prepared stating the facts developed and the comments of interviewees, and are forwarded to the requesting agency for decisions.

Additional base program descriptive data regarding this program can be found under the special exhibits and justification segment of this budget request.

Accomplishments and Workload: The following is a partial display of accomplishments and workload data pertaining to this program:

Civil, Applicant, and Other Investigations	1979	1980	1981	1982
Investigative Matters Received				
Antitrust/Civil	2,311	3,016	3,476	3,625
Reimbursable Applicant	11,128	16,956	12,210	11,000
Nonreimbursable Applicant	41,681	49,221	56,510	65,000
				16

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
Miscellaneous				
Total Investigative Matters Received	7,109	7,053	8,860	7,200
Convictions-Antitrust/Civil	62,229	76,246	81,056	86,825
Individuals Investigated	177	94	185	200
for Other Agencies				
General Government Crimes	3,676	4,269	4,300	3,700
Investigative matters received				
Investigative matters carried	13,761	13,561	14,239	14,239
over from previous year	3,408	3,064	3,217	3,217
Total investigative matters	17,169	16,625	17,456	17,456
Total investigative matters closed	14,100	12,879	13,523	13,523
Convictions	1,088	1,005	1,055	1,055
Judicial actions				
Arrests, Locates, and Summonses	783	782	821	821
Informations and Indictments	1,125	1,045	1,097	1,097
Pretrial diversions	70	80	84	84
Total judicial actions	1,978	1,907	2,002	2,002
Recoveries (\$000)	\$2,957	\$ 4,166	\$ 4,374	\$ 4,374
Potential economic loss prevented (\$000)	\$4,351	\$ 2,797	\$ 2,937	\$ 2,937
General Property Crimes				
Investigative matters received	31,885	33,375	35,000	35,000
Investigative matters carried				
over from previous year	9,967	9,316	10,500	10,500
Total investigative matters	41,852	42,634	45,000	45,000
Investigative matters completed	32,536	31,917	34,500	35,100
Convictions	1,322	1,235	1,400	1,600
Recoveries (\$000)	\$52,281	\$100,513	\$100,832	\$120,832
Civil Rights				
Cases received, investigated, and	9,335	10,084	12,000	12,000
referred to the Department of Justice				
Training programs for state and local				
law enforcement officers at FBI Academy	472	472	472	472
(Total hours of instruction)				
Seminars for Special Agent Supervisors at	16	24	24	24
FBI Academy (Total hours of instruction)				
Successful prosecutions	56	98	-	-
(Criminal violations)				
Court orders and consent decrees				
(Civil litigation-Discrimination	20	17	-	-
in Housing Matters)				

1979 1980 1981 1982

Court orders and consent decrees
(Civil litigation-Civil Rights
Act of 1964) 22 56 -- --
Civil orders and consent decrees
(Civil litigation-Voting Rights
Act of 1965) -- 6 -- --

Additional data is contained in the special exhibits and justification segment of this budget request.

Program Changes: The increase of 62 positions, 60 work-years, and \$4,467,000 in budget authority requested in this program is discussed in the special exhibits and justification segment of this budget request.

1981 Appropriation

	1981 Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Organized Crime	2,107	2,043 \$81,339	2,107	2,049 \$82,409	2,107	2,049 \$83,832	...	\$1,423

Long-Range Goal: To reduce the incidence of organized criminal activity in American society through investigation on a systematic, coordinated, and sustained basis.

Major Objectives:

- To conduct imaginative, responsive, and effective investigations against organized criminal activity on a nationwide basis.
- To obtain prosecution of members and associates of organized crime groups targeted for investigation utilizing established legal procedures.
- To maintain a corps of high-quality informants and develop additional informants to penetrate the leadership, structure, operations, associates, and revenue sources of the organized crime groups operating in this country.
- To implement the Organized Crime Information System (OCIS) in 23 selected field divisions by the end of 1982.

Basic Program Description: The FBI's organized crime program is established and ranked in order of priorities, based on identification of existing problem areas. The following investigative priorities have been established: labor racketeering, slayings of officials, loansharking, illegal gambling, and pornography engaged in by the organized criminal element. Based on FBI experience, these priorities are the areas of illicit activity which are the principal sources of revenue for organized criminal elements and which have the greatest adverse impact on our society; therefore, these priorities form the nucleus of the FBI's organized crime program investigative efforts.

Investigations targeted against the organized criminal element are conducted utilizing investigative techniques and resources available, as applicable to the particular criminal activity and to the scope and type of investigation. Before committing extensive resources to an investigation, the scope, magnitude, and direction of the investigation are usually discussed with appropriate Government attorneys to insure the investigative target will, if successfully investigated, have sufficient prosecutorial merit and impact. Once adequate resources and applicable techniques have been employed to achieve desired results in a targeted investigation, the investigation continues until evidence to substantiate prosecution is obtained within the parameters and scope of the investigation.

Examples of the variety of investigative techniques utilized by the FBI in conducting organized crime investigations are electronic surveillance, undercover operations, aerial surveillance, extensive record reviews and analyses, and interviews of cooperative witnesses and victims. Another technique, one of the most effective, is the use of informants to penetrate organized criminal groups, to provide information assisting the thrust of investigative activity and to identify otherwise undetected violations.

To assist the FBI in its efforts to investigate organized criminal activity, the development of the OCIS was begun during fiscal year 1979. The primary objective of the system is to improve the FBI's ability to effectively collect, analyze, and use large quantities of relevant investigative data in obtaining successful prosecution of organized crime subjects.

Accomplishments and Workload: Accomplishments of the Organized Crime Program are presented in the following table:

Organized Crime Workload measures:	Estimated		
	1979	1980	1981 1982
Investigative matters received	18,141	14,883	15,010
Investigative matters carried over	7,208	6,005	7,300
Total investigative matters	25,349	20,888	22,310
Investigative matters closed	18,444	14,815	13,810
Organized Crime Informants operated	1,050	1,107	1,072
Convictions	632	597	558
Traditional OC member/associates convicted or pending trial	94	132	165
Field Division OCIS implementation	---	3	14

Program Changes: The increased funding would provide an additional \$1,423,000 for undercover operations. Numerous opportunities for high impact undercover activity are not pursued because of the lack of funds. With an additional \$500,000 the FBI would be available to support five additional undercover projects. These additional projects will significantly increase the FBI's impact on organized crime.

Another \$300,000 is needed for the maintenance and development of organized crime informants. Because informants are a key source of information for investigations, these additional resources will insure that an adequate corps of informants will be supported in fiscal year 1982.

Finally, the request includes additional resources (\$623,000) for aircraft surveillance. As the FBI's organized crime investigations become more complex and involve greater numbers of subjects, operations, and locations, effective surveillance is a critical requirement. The use of aircraft provides an adequate response to current needs and saves considerable manpower and vehicle costs.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Pos.	NY
White-Collar Crime	2,992	2,903	\$110,391	2,992	2,903	\$113,774	2,992	2,903	\$114,896	---	\$1,122

Long-Range Goal: To reduce the incidence of white-collar crimes involving fraud, embezzlement, bribery, conflict of interest and corruption by individuals in government, labor, and business.

Major Objectives:

- To investigate and develop prosecutable cases against corrupt public officials and major white-collar crime perpetrators.
- To enhance the expertise of investigative personnel in combating white-collar crime through an increase in fraud training programs, such as computer, offshore banking, energy, and commodity markets.
- To provide the investigative response necessary to support the Administration's and the Attorney General's white-collar crime priorities.

Base Program Description: The White-Collar Crime program is directed to successfully investigate, in support of prosecution violators of those laws enacted for the overall protection of citizens from economic loss. Among the crimes encompassed by this program are bank fraud and embezzlement, bankruptcy, false statements, bribery, fraud by wire, corruption of public officials, fraud against the Government, copyright matters, and embezzlement of union funds. This program benefits the general public, financial institutions, Government agencies, and private companies who have suffered economic loss. It also supports an atmosphere of trust essential to a sound national economy and Government. It is believed that the psychological effect of criminal prosecution for fraud, bribery, and embezzlement acts as a deterrent to others. Greater emphasis has been placed on the investigation of sophisticated "con men" who use wire fraud and mail fraud to perpetrate national and worldwide swindles.

Major investigative efforts are currently directed toward violations of the Wire Fraud and Mail Fraud Statutes involving "bogus" offshore banks, commodity frauds, fraud in the coal and petroleum fields, and fraud in "shell" insurance companies.

Accomplishments and Workload:

Output/Workload measures:	1979	1980	Estimated	
			1981	1982
Investigative matters received	58,823	58,483	64,310	65,930
Investigative matters closed	57,888	57,910	60,073	65,280
Convictions	3,268	3,202	3,577	2,747

The accomplishments of the FBI's White-Collar Crime Program cannot be restricted to quantitative data concerning matters handled, convictions achieved, resulting fines, recoveries, and potential economic loss prevented. The following are some of the major accomplishments of the FBI during the past year:

The added emphasis in the investigation of corrupt public officials by the FBI has caused a significant increase in the number of cases being handled. Many of these cases have resulted in the conviction of high public officials. A survey of 1,145 cases involving public officials pending at the end of 1980 revealed that the majority were in the mid- to high-level management positions in all levels of government throughout the United States. During 1980 a total of 236 convictions of public officials were recorded.

FBI investigations of bank frauds and embezzlements during 1980 resulted in approximately \$65,809,324 in fines, recoveries, and potential economic loss prevented.

Major investigative efforts are currently directed toward violations of the Mail Fraud Statutes involving "bogus" offshore banks, commodity frauds, fraud in the coal and petroleum fields, and fraud in "shell" insurance companies. Fraud by wire convictions for 1980 indicated a 17 percent increase over 1979.

Another accomplishment has been the independent, professional approach employed by the FBI in handling high-impact white-collar crime investigations and the expertise so evident in the reports prepared in these complicated matters. This is very evident in the public corruption area when allegations of improprieties are received and the FBI responds in a timely manner to absolve the innocent as well as to prosecute the guilty.

Program changes: An increase of \$1,122,000 is being requested in 1982 for the White-Collar Crime program. Of this, \$500,000 is needed to increase the FBI's capability in white-collar crime undercover activities. It is anticipated that the need for white-collar crime undercover operations will become greater and more urgent to convict the sophisticated "con men" who perpetrate national and worldwide swindles. An enhancement of \$622,000 is needed to utilize the aircraft surveillance technique as needed in those instances when such a sophisticated procedure is warranted.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Fugitive	336	325 \$15,317	336	325 \$15,986	311	300 \$14,869	-25	-25 -\$1,117

Long-Range Goal: To seek out and apprehend fugitives wanted by local and state authorities and in certain situations, the military.

Major Objectives:

To provide assistance to the local and state law enforcement community in the apprehension of violent, escaped prisoners or fugitives who cross state lines to avoid arrest, with emphasis focused on priority matters involving crimes of violence, high property loss or destruction, and illicit narcotics trafficking.

To actively assist the various branches of the military by initiating fugitive investigations and effecting arrests of those who desert under aggravated circumstances.

To actively investigate violations of the Military Selective Service Act involving non-registration.

Base Program Description: To accomplish the major objectives of this decision unit, upon receipt of a request for FBI fugitive assistance from a local and state law enforcement agency, an immediate investigation is instituted following the issuance of a Federal arrest warrant. Investigative time limits are imposed to insure prompt and full inquiries are conducted. Investigative efforts generally include, but are not limited to, interviews with known relatives, associates, contacts, employers, informants, law enforcement representatives, and the placing of logical alerts and lookouts. With the arrest of a fugitive, in-depth interviews are conducted regarding the offense allegedly committed by the subject and his activities while in a fugitive status. All requests for assistance to locate military deserters are carefully reviewed at FBI Headquarters upon receipt to insure they are in conformance with the provisions of the existing agreement with Department of Defense (DOD). Should a fugitive investigation be warranted, all necessary investigative techniques to apprehend the deserter will be employed. Allegations of non-registration under current provisions of the Military Selective Service Act require the non-registrant to be located and interviewed. Selective Service registration records must also be checked to verify the non-registration. FBI Headquarters is notified of all cases investigated within the decision unit and is kept current on pertinent developments in all fugitive matters of interest.

Accomplishments and Workload: Accomplishments of the Fugitive Program are presented in the following table:

Item	1979	Estimated 1982	
		1981	1982
Investigative matters received	29,179	17,339	20,160
			21,565

Investigative matters carried over from previous year
Total investigative matters
Investigated matters completed
Fugitives apprehended (by FBI)
Fugitives located (by others as a result of FBI efforts)
Convictions
Recoveries (\$000)

13,395
42,574
33,883
1,686
1,940
696
\$2,054

8,691
25,030
21,912
1,174
1,057
447
\$ 466

4,118
24,278
21,871
1,041
938
440
\$426

1,407
23,972
21,574
1,027
925
440
\$426

Program Changes:

In the last two years, a significant portion of the jurisdiction of the Fugitive Program was transferred to the United States Marshals' Service at the directive of the Attorney General. Additionally, the workload has declined as a result of a change in the basic military deserter policy. During this time, some of the Fugitive Program's resources were reprogrammed; however, the majority of the program's resources remained intact. These changes have been analyzed, as the program stands today, and a reduction of 25 work-years and \$1,117,000 has been made to bring the program more in line with actual utilization.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
Personal Crimes	1,073	1,044 \$40,017	1,073	1,044 \$41,156	1,073	1,044 \$41,156	---	---

Long-Range Goal: To reduce the impact of personal crime victimization resulting from kidnapping, extortion, bank robbery, crime aboard aircraft, and other program offenses.

Major Objectives:

Provide immediate measured investigative response to bank robbery and related forcible crimes against financial institutions with subsequent investigation conducted to identify, apprehend, and successfully prosecute individuals responsible for these offenses.

Implement pre-planned response procedures to aircraft hijackings, coordinate interagency activities, establish negotiations, and, where circumstances dictate, initiate other appropriate tactical actions to successfully resolve aircraft hijacking incidents, obtain the safe release of passengers and crew members held hostage, and identify, apprehend, and prosecute individuals responsible for these offenses.

Institute necessary investigation to enable the safe and speedy recovery of kidnap victims and to identify, apprehend, and prosecute individuals responsible for these offenses.

Perform appropriate investigation to identify, apprehend, and prosecute individuals responsible for extortionate demands

against individuals and businesses.

Provide investigative response to other pertinent violations of Federal Statute encompassed by the Personal Crimes Program and perform necessary follow-up investigation bringing cases to a logical and successful conclusion.

Base Program Description: The Personal Crimes Program addresses a group of criminal investigative matters which involve the common characteristic of threatened or actual injury or loss of life. Among the crimes encompassed by this program are bank robbery, kidnapping, extortion, aircraft hijacking, assassination of a member of Congress, assaults against Federal officers, and assaults against the President. Personal crimes often have considerable impact on the communities and individuals affected due to their propensity for violence, the high public profile of their intended victims, and the possibility of substantial monetary losses.

Personal Crimes Program investigations are basically reactive in nature; that is, an investigation is instituted once the crime is an accomplished fact. Investigation normally commences upon receipt of a complaint from the victim that a crime has occurred. The initial facts of the offense are evaluated and an appropriate investigative response is made. This response is dictated, in part, by such critical factors as location; circumstances; threat of danger such as injury, death, or hostage taking; use of firearms or other dangerous weapons or explosives; and the number of incidents encountered, among others. Field offices maintain specific response plans which are instituted in bank robbery, kidnapping, extortion, hostage, and aircraft hijacking situations. In cases where a hostage is held or an abduction has occurred, the primary concern is the safe recovery of the victim.

Investigative activity at the scene of the offense includes identifying and collecting items of evidence for forensic examination and interviewing witnesses. In instances where the crime is still in progress, the apprehension of the perpetrator is effected (where possible) and hostage situations (if existing) are negotiated and resolved. Crime-scene and related investigation is a labor-intensive process with widespread investigative activity following beyond the site of offense. It is also a critical process that yields evidence needed to identify the perpetrator and contribute to his prosecution. It is also a critical process that yields evidence needed to identify the perpetrator and contribute to his prosecution. Follow-up investigative activity involves the completion of logical investigation, such as the following of leads developed at the scene or developed through investigation and contact with informants who may be able to provide useful information. As positive information is developed, the case progresses.

Cases are presented to the U.S. Attorney, where they are either accepted for prosecution or declined, depending upon the policies and guidelines of the U.S. Attorney and the quality and strength of the investigation. Declined cases can be closed by the FBI field office if all logical investigation is completed. Accepted cases are prepared for prosecution and further investigation is conducted as necessary. Arrest warrants are executed when approved. Prosecutive support is provided in terms of case preparations and court testimony. Upon conclusion of judicial proceedings against all subjects, cases are closed.

Accomplishments and Workload: Investigative accomplishments attributable to the Personal Crimes Program contribute substantially to the overall performance of the FBI, accounting for 22 percent of all statistical accomplishments realized in 1980. This level of accomplishment represents an increase over 1979 when program activity was responsible for 18 percent of all accomplishments. Seventy-seven percent of the Personal Crimes Program accomplishments in 1980 were in Priority Case Indicator (PCI) cases. This, too, is an improvement over 1979 when PCI accomplishments comprised 74 percent of the program total.

Accomplishments of the Personal Crimes Program are presented in the following table:

Accomplishment Measures	1979	1980	Estimated	
			1981	1982
Arrests	883	1,011	1,011	1,011
Locates	199	242	242	242
Criminal Summonses	25	34	34	34
Complaints	1,048	1,140	1,140	1,140
Informations	143	178	178	178
True Bills of Indictments	1,703	1,843	1,843	1,843
Pre-Trial Diversions	53	40	40	40
Convictions				
Misdemeanor	86	74	74	74
Felony	1,632	1,714	1,714	1,714
Total	1,718	1,788	1,788	1,788
Fines	\$ 133,620	\$ 269,619	---	---
Recoveries	\$5,076,136	\$18,916,499	---	---
Investigative Matters Closed	27,297	28,317	28,840	28,964

The Personal Crimes Program accounted for nine percent of the FBI's total investigative matters pending in 1980. These 36,770 investigative matters represent a four percent increase in program workload over 1979. Approximately 62 percent of the workload in the Personal Crimes Program in 1980 was in PCI categories; comparatively, only 58 percent of the program workload was PCI classified in 1979. Workload measures for the Personal Crimes Program are presented in the following table:

Workload Measures	1979	1980	Estimated	
			1981	1982
Investigative matters pending from previous year	7,628	7,769	8,453	8,614
Investigative matters received	27,466	29,001	29,001	29,001
Total Investigative matters	35,195	36,770	37,454	37,615

For 1982 there is no change in the level of resources for the Personal Crimes Program.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease					
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount				
Terrorism	246	\$10,559	246	\$10,816	225	217	\$10,530	-21	-20	-\$286

Long-Range Goal: The goal of this program is to detect, prevent, and/or react to unlawful, violent activities of individuals or groups whose intent is to either overthrow the Government; interfere with the activities of a foreign government in the United States; substantially impair the functioning of the Federal Government, a state government, or interstate commerce; or deprive Americans of their civil rights as guaranteed by the Constitution, laws and treaties of the United States. In addition, the long-range goal includes successfully investigating violations of certain Federal statutes assigned to this program.

Major Objectives:

Identify and investigate the activities of violent domestic terrorist groups.

Combat domestic terrorism by facilitating prompt and thorough investigations of Federal criminal statutes such as bombing matters, neutrality matters, Atomic Energy Act matters, Act for the Protection of Foreign Officials and Official Guests of the United States, sabotage, treason, and sedition.

Advise the Department of Justice of reported incidents of mishandling, unauthorized disclosure, or compromise of classified information where no foreign direction is involved and, when so directed, conduct investigations as prescribed in the Attorney General's Foreign Counterintelligence Guidelines.

Inform the Department of Justice of reported incidents of civil unrest and when so directed, conduct investigations in line with the Attorney General's guidelines.

Develop high quality, productive informants who can assist the FBI in conducting domestic, terrorist-related investigations.

Disseminate pertinent, timely information which would be of investigative and statutory interest to other Government agencies.

Through the Terrorist Research and Bomb Data Center, gather, analyze, and disseminate information concerning terrorist groups, incidents, and activities; conduct in-depth research concerning terrorism; and provide law enforcement agencies throughout the United States with up-to-date statistical information concerning improvised explosive devices utilized by explosive disposal personnel in training for bombing investigations.

Base Program Description: Terrorism investigations consist of a complex process dependent upon the type of nature of the investigation. The majority of domestic security investigations are instituted, according to the established criteria of the Attorney General's Guidelines, by FBI field offices based on information of activities of individuals or groups which involve

or will involve use of force or violence and/or violation of Federal law. Each investigation instituted is reviewed by officials of FBI Headquarters and full investigations are furnished to the Department of Justice. Preliminary and limited investigations have a 90-day time limitation while full-field investigations are reviewed after 90 days by the Department of Justice and extended beyond one year by the Department of Justice.

The role of the informant in FBI investigations is a critical element in obtaining advance information on terrorist activity. The utilization of informants is an extremely sensitive matter which is strictly controlled by FBI Headquarters. Informants are operated in strict compliance with the Attorney General's Guidelines and in the domestic intelligence or preventive phase may be utilized only in organizations which have been approved for full-field investigations. These informants are closely monitored to insure that they do not infringe upon First Amendment rights of American citizens.

The reactive segment of this program, including bombings, murder, kidnapping, or injuring foreign officials or official guests of the United States and nuclear extortion matters, consists of immediate labor-intensive investigations after the violent criminal activity has occurred. Contingency plans exist in each FBI field office which are implemented to assure an effective and timely response to violent criminal acts.

Concerning incidents of mishandling, unauthorized disclosure, or compromise of classified information, requests for investigation are referred to FBI Headquarters by the Department of Justice for investigation to be performed by field divisions. Because of the nature and scope of the investigation, the sensitive classified information which may be highly compartmented codeworded information, nature, experienced special agents are required to conduct investigations pursuant to the instructions of FBI Headquarters and the Department of Justice.

Accomplishments and Workload: Accomplishments by this program in fiscal year 1980 include the identification of eleven members of the Puerto Rican terrorist group known as the Armed Forces of Puerto Rican National Liberation (FALN), arrested by the Evanston, Illinois, police department, including a top ten fugitive and his wife who were responsible for numerous bombing and terrorist attacks in New York and Chicago; identification of the two main subjects in the investigation of the New World Liberation Front, a terrorist organization which perpetrated over 70 bombings between 1974 and 1978; positive identification of two members of the Black Liberation Army and tentative identification of six others as participants in the firebombings of black churches in the San Francisco area; the neutralization of an assassination plot by the Cuban terrorist group, Omega-7, against the visiting president of a foreign country; development of information that the Libyan Government had sent "hit teams" to the United States to assassinate its enemies and to harass and intimidate its vocal opponents, and the expulsion of six Libyan diplomats for involvement in these activities; development and dissemination of information to the Dutch and Israeli Governments, which resulted in the arrests of terrorists wanted in their respective countries; the arrest and conviction of two members of the Revolutionary Communist Party for assaulting United Nations diplomatic personnel in New York; the arrest of a member of the Taiwanese Independence Movement for assaulting a foreign official in Los Angeles; and the arrest of an individual for sending threatening letters to the sister of the late Shah of Iran. This program was also responsible for the successful management of the security for the 1980 Winter Olympics, in Lake Placid, New York, the expulsion of the Iranian diplomats from the United States in April of 1980, and the contingency planning for terrorist acts occurring during the Republican and Democratic National Conventions. The accomplishment of the rapid arrest of two suspects and charges pending for a third suspect in the fatal shooting of a strong critic of the revolutionary regime in Iran gunned down in his suburban Washington, D.C. home, should be noted.

Item	1979	1980	1981	1982
Investigative matters received (including informants)	4,742	5,190	5,850	6,200
Bombings; actual or attempted	990	925	955	980
Terrorist-related bombings	42	50	52	55
Injuries; bomb-related	117	105	108	112
Deaths; bomb-related (all bombings)	17	17	18	20
Property damage; bomb-related (\$000)	\$4,887	\$6,500	\$6,710	\$6,890
Investigative matters closed	4,510	5,539	5,980	6,125

Program Change: The Terrorism Program will be decreased by 21 positions and \$286,000 in 1982. If terrorism activity continues at its present level, it is believed that this reduction will necessitate a reorganization and redirection of the remaining resources. Since most terrorist activity appears to be concentrated in the major metropolitan areas, a redirection of manpower commitment may be permitted. As a result, certain terrorist-related investigations may require assistance from other law enforcement agencies. It is believed that the combination of new procedures with this manpower level will permit a concentrated campaign against major terrorist groups. Any accomplishments made against these groups may reduce the propensity for terrorist activity in general.

Activity:	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease			
	Perm.	WY		Perm.	WY		Perm.	WY		Perm.	WY		
		Pos.	Amount		Pos.	Amount		Pos.	Amount		Pos.	Amount	
Coordination of Investigations	485	474	\$15,963	485	475	\$16,832	485	475	\$16,328	---	---	---	-\$504

Coordination of Investigations	485 474	\$15,963	485 475	\$16,832	485 475	\$16,328	---	---
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This budget activity provides resources for national program supervision, coordination, and management of FBI investigative matters.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Coordination of Investigations	485	474	\$15,963	485	475	\$16,832	485	475	\$16,328	-----	----	--\$504

Long-Range Goal: To coordinate and manage the FBI's criminal, civil, applicant, terrorist, and foreign counterintelligence investigative programs.

Major Objectives:

To provide adequate management and coordination to all investigative matters, assuring compliance with existing laws, Executive Orders, and the Attorney General's Guidelines.

To insure that the Director of the FBI and other authorized officials have sufficient information regarding investigative programs so that informed decisions can be made.

To continue improving and increasing the research and analytical capability to support the mission and the production and dissemination of studies and analytical reports.

To continue implementation of the Organized Crime Information System and the Intelligence Information System, to initiate research regarding possible application of similar systems to other programs such as White-Collar Crime and General Property Crimes.

To continue implementing software programs supporting field operations, FBI Headquarters operational management, and the production of studies and reports.

To sustain and improve information exchanges among other Intelligence Community members so that relevant countermeasure techniques can be synthesized.

To maintain relations with Washington liaison representatives of foreign law enforcement and intelligence agencies.

To develop high-level contacts in U.S. agencies.

To administer and coordinate legal attache operations.

Base Program Description: The Intelligence Division consists of three sections, two operation (CI-1 and CI-2) and one support (CI-3). CI-1 and CI-2 manage and coordinate FCI investigations targeted against criteria countries and any other country which poses a security threat to the United States. CI-3 provides support for investigative operations by providing analytical research, ADP applications to the FCI Program, FCI training, FCI budget formulation, responses to the Executive Branch and the Congress, liaison with other U.S. Government agencies and friendly foreign intelligence services posted in Washington, D.C., and management for Legal Attache Offices located outside the U.S.

The Criminal Investigative Division, has been organized along program lines. The Assistant Director and his two Deputies direct and coordinate the activities of five Section Chiefs who are responsible for the following field programs: Organized Crime; Organized Crime Informants; White-Collar Crime; General Government Crimes; Fugitive; Personal Crimes; General Property Crimes; General Crimes Informants; Terrorism Investigations; Terrorism Informants; Civil Rights; and Civil, Applicant, and Other Investigations. Through written communications, telephonic conversations, and, on occasion, in person, supervisory personnel in these sections maintain close contact with the representatives of the 59 field offices which are responsible for the various investigative programs in order to assess current projects, discuss new initiatives, and correct problems. In addition, data reflecting workload, accomplishments, and field use of personnel are constantly being monitored by section personnel to insure proper utilization of resources.

In order to respond to initiatives and inquiries from the Executive and Legislative Branches of the Government, as well as to implement its objectives, members of this unit maintain close, continuous contact with representatives of other agencies and certain nongovernmental agencies.

Accomplishments and Workload: The accomplishments which can be associated with this unit are found in the accomplishments sections of the Criminal Investigative, Foreign Counterintelligence, and Legal Attache Program overviews. Since this unit provides coordination and management services to all of the above-mentioned programs, positive results from these programs are assumed to be, at least in part, attributable to the Coordination of Investigations effort.

Item	Estimated	
	1981	1982
Departmental, Congressional, and other inquiries processed	725	725
Evaluations of undercover operations	125	175
Undercover operations approved	40	60
Undercover operations denied	35	25
Special surveillance requests evaluated	30	35
Undercover operations supervised	100	110
Informant matters closed during fiscal year	2,799	2,850
Informant matters pending end of fiscal year	2,800	2,850
Informant matters cumulatively managed during fiscal year	8,484	8,636
		30

Item	1980	1981	Estimated 1982
Fiscal investigative analysis matters:			
A. Pending	14	17	17
B. Pending - Inactive	9	11	11
C. Closed	11	17	17
D. No action due to lack of resources	8	10	10
Budgetary submissions	25	25	25
Field requests for funds processed	1,300	1,350	1,350
Title III applications processed	125	135	135
Body recorder requests processed	2,700	2,950	3,100
Aircraft hijacking incidents coordinated	13	13	13
Major cases coordinated	20	20	20
Investigative matters processed (applicant)	25,000	29,000	25,000
Investigative matters processed (civil rights)	11,716	12,000	12,000
Special requests for manpower by field processed	75	80	80
Research projects	60	75	75
Fugitive cases - opened	4,000	4,000	4,000
Fugitive cases - closed	5,500	5,500	5,500
Conferences, Meetings, In-services	3,500	3,500	3,500
Average monthly caseload managed and coordinated	15,241	16,613	16,994
Major analytical projects completed	252	302	302

At this level of funding, the high-priority responsibilities of this unit will be handled. It can be seen that the overall activities of this unit are very "reactive" oriented, i.e., resources must be dedicated to those matters which require immediate handling. Consequently, those activities not considered urgent, although no less important, may suffer at times when resources are diverted to other areas. Such activities as research and analysis fall into this category.

The basic assumption that is made is that the quantity and the complexity of these investigative matters with which the FBI will concern itself will continue to increase dramatically in 1982 and an element of uncertainty exists as to whether the current overall number of resources will be able to fully and realistically handle such increases. In addition, new initiatives, recently inaugurated, will have to be curtailed. In brief, the impact will be to reduce the investigative/operational effectiveness of some current programs and frustrate new programs coming into being or envisaged for the future.

Regarding the support section, this level of funding is equal to the 1981 funding level plus one annualized work-year in terms of the numbers of personnel available to satisfy all workload requirements. There are several workload categories for which there are estimates of slightly higher outputs from 1978 or 1979 through 1982 despite the fact that there are no increases in personnel designated for those functions. Likewise, in connection with Intelligence Information System, it is

anticipated that as the personnel associated with the system become more proficient, the velocity of inputs and outputs into the system will increase. The one extra training session estimated for 1982 can be handled with the current staff.

It is anticipated that the legal attaches will receive appropriate administration and assistance to insure the prompt exchange of information and contacts with respective domestic agencies and Washington liaison representatives will be maintained to insure that pertinent matters of mutual interest are appropriately handled.

Program Changes: Reductions totaling \$504,000 were made in this program in the areas of travel, personnel benefits, and rents and communications.

Activity: Investigative Support	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Training	240	233	\$9,778	240	233	\$10,862	256	249	\$12,225	16	16	\$1,363
Forensic Services - Federal	288	280	11,245	288	280	11,872	312	301	14,516	24	21	2,644
ADP and Telecommunications	400	389	36,154	406	394	38,556	406	394	51,268	—	—	12,712
Legal Attache	57	55	2,050	57	55	2,074	57	55	2,074	—	—	—
Records Management	1,511	1,316	31,969	1,501	1,458	32,968	1,501	1,458	33,950	—	—	982
Technical Field Support & Equip.	130	126	21,177	130	126	23,184	139	135	30,019	9	9	6,835
Total.....	2,626	2,395	\$112,373	2,622	2,546	\$119,516	2,671	2,592	\$144,052	49	46	\$24,536

Investigative support is provided through training, forensic laboratory examination and research, attaches in foreign countries, efficient management of investigative and administrative records, automatic data processing and telecommunications management and maintenance, and technical field support and equipment supply. A major initiative in ADP and telecommunications is planned during 1982. Additionally, the FBI automotive fleet will continue to maintain the General Services Administration approved replacement cycle.

Activity: Investigative Support	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Training.....	240	233	\$9,778	240	233	\$10,862	256	249	\$12,225	16	16	\$1,363

Long-Range Goals:

To provide, and improve upon the recruitment, selection, training, and performance-monitoring process of new FBI agents.

To provide an effective in-service training program at the FBI Academy and in the field to keep all FBI employees professionally and academically equipped to meet the requirements and challenges of their complex and changing responsibilities.

To conduct research and evaluation of personnel, programs, techniques, and equipment which support and enhance the ability of the FBI to perform its law enforcement mission.

To maintain and improve the land, buildings, equipment, furnishings, and fixtures which make up the FBI Academy complex in a manner consistent with and conducive to an effective and efficient learning and living environment.

Major Objectives:

Provide the highest level of training for approximately 400 new agents annually to insure that the knowledge and skills are provided to enable them to discharge their complex responsibilities in a superior manner and to the maximum extent possible at the outset of their professional careers; to include follow-up training and assessment during the probationary period.

Afford in-service training and support at the FBI Academy and in the field for FBI special agents and selected support personnel, enabling them to conduct the complex nationally prioritized white-collar crime, organized crime, and foreign counterintelligence investigations in the most professional and cost-effective manner.

Provide the maximum effective capability for special agent personnel in responding to the increasing number of assaults and other life threatening situations to which they are exposed, to include more judgmental use of force.

Permanently establish and fully implement crisis management training for FBI personnel who will be expected to respond in the event of terrorism, aircraft hijacking, hostage incidents, and other crisis situations.

Implement, enhance, and further standardize mutual training, research, and assessment programs among the FBI, and "Law enforcement and criminal justice personnel of other Federal agencies,.... and foreign governments, and members of the armed forces of the U.S....," which is in the spirit of subchapter F, Sec. 584, paragraph (a), of the proposed FBI Charter.

Improve, through sophisticated management and education programs, the ability of mid- and upper-level FBI executives to more effectively carry out their increasingly complicated responsibilities, and provide for job enrichment and career development opportunities for selected support personnel.

Engage in extensive research, evaluation, and development, and provide direct field support and program assessment in order to effectively realize the major training objectives cited above.

Complete ongoing and projected improvements to the FBI ranges. Maintain the land, buildings, equipment, furnishings, and fixtures which constitute the FBI Academy complex.

Base Program Description:

1. New Agents Training Program: After being accepted as a special agent trainee, the period of instruction at the FBI Academy

encompasses, but is not limited to, the following major topics over a 15-week period: substantive statutory violations and national security matters, basic law enforcement and forensic skills, behavioral science, legal instruction, communication and administration, firearms and arrest techniques, and conduct and ethics.

2. In-Service Training and Direct Field Support Programs; Faculty Development and Maintenance Programs: Special agents are periodically brought back to the FBI Academy for instruction in many specialized areas based upon the investigative needs and priorities of the FBI. Specialized training is also afforded by FBI Academy instructors and FBI Headquarters personnel in field offices if this method is more cost-effective or responds to the particular needs of a specific field office. In addition, direct field support is afforded by FBI Academy instructors in such highly sophisticated and technical areas as hypnotic interview, psycholinguistics, and psychological criminal analysis.

The Physical Fitness Program is in an embryonic stage of development. One special agent is conducting research and program assessment. Designated advisors in each office have received basic instruction.

The Training Division maintains liaison with selected foreign law enforcement agencies and several foreign and United States military counter-terrorist units for exchange of training information and equipment data. The Training Division offers management assessment and courses for mid- and upper-level FBI executives. Research is conducted by FBI Academy instructors to develop and remain current with the myriad of concepts and skills. Research is conducted on a time-available basis to evaluate tactics, techniques, weapons and equipment, and in academic disciplines, to support and expand knowledge for classroom presentations and publishing and developing new and improved investigative techniques.

A limited number of faculty members and field instructors are pursuing graduate study and other relevant educational programs when duties permit.

Employees assigned to eight maintenance and craft shops repair and maintain the 334 acres and 18 buildings, including the Forensic Science Research and Training Building presently under construction, and the FBI firearms ranges which constitute the FBI Academy training complex.

Accomplishments and Workload: During 1980, 701 new agents received 13,200 course hours of instruction at the Academy, of which 497 were graduated and most of the remainder continued training into the following year. New agents accounted for 66,816 student days of commitment by the Training Division. The in-service program provided 155 schools, seminars, and symposia, a total of 9,119 course hours, for 3,429 special agents and 720 support employees, a commitment of 32,872 student days. Principal among the topics presented were white-collar and organized crime subjects, foreign counterintelligence, hostage negotiation, crisis management, forensic sciences, legal matters, and management assessment and training. Academy instructors provided instruction covering white-collar crime topics at eight field offices and at numerous crisis management training exercises. Research and assessment have resulted in improved crisis management equipment and techniques and advanced management and other disciplines. Instructors attend symposia to improve their expertise, including 15 in degree programs. The new Forensic Science Research and Training Building nearing completion and firearms range improvements are being made to include judgmental shooting and use of force.

Program Changes:

1. The FBI must afford in-service training at the FBI Academy and in the field for special agents, enabling them to conduct the complex white-collar crime investigations in the most professional and cost-effective manner. A comprehensive survey of the 59 FBI field offices indicates a dire need to train 1,003 special agents at the FBI Academy and 200 in field sites. The present staff consisting of six agent instructors only has been able to train approximately 600 special agents per year. The addition of two special agents will expand the number of hours available to a more desirable level.
2. It is essential that two additional special agents be assigned to the Management Science Unit (MSU). The Civil Service Reform Act of 1978 mandates that newly appointed supervisors receive a minimum of 80 hours' management and follow-up training. A Comprehensive Bureau Management Training (CBMT) program, which meets the guidelines recommended by OPM, has been approved by the Director of the FBI. Two thousand nine hundred forty-four managers are covered and will require an additional 2,000 hours of annual instruction. The Performance Appraisal and Merit Pay System requires a continuous training program for 150-200 newly appointed supervisors annually to include periodic retraining, 1,440 hours of instruction. These programs will require, at the minimum, an additional 2,600 hours of instruction in addition to program research, consultation, and administrative duties.
3. Two additional television production specialists in the Instructional Technology Services Unit are needed to cope with the backlog and demand for production of videotapes to support critical program areas. These videotapes provide training support in diverse course areas. These programs will require an estimated four months to complete by the three-man staff now assigned and maximize the one million dollar investment in studio equipment.
4. The FBI is modifying its New Agents' Training Program. A critical phase is the Field Training Agent Program (FTAP). This program will provide a detailed field evaluation of new agents' performance during their first year probationary period, and will provide needed feedback to further improve selection, training, and evaluation. An additional special agent position is essential for this purpose.
5. Five additional wage board personnel are required to provide maintenance for the new Forensic Science Research and Training Building which is expected to be completed in the Spring of 1981. This building will contain 46,000 square feet of space to be cleaned and will include highly technical equipment which must be maintained.
6. The increased dependence on statistical analyses in the areas of employee selection, training, evaluation, and appraisal systems and the required maintenance of records in accordance with the Civil Service Reform Act of 1978, Title 7, makes it essential that the Instructional Research and Development Unit obtain the services of a research analyst.
7. The FBI is committed to a massive training program to implement the new Performance Appraisal and Merit Pay System as required by OPM. The dictating machine transcriber requested will be devoted to clerical support of the Performance Appraisal instruction team.

1981 Appropriation	Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
Forensic Services - Federal.....	288	\$11,245	288	\$11,872	312	\$14,516	24	\$2,644

Long-Range Goals: To provide the best possible forensic and graphic services and the most modern scientific and technical equipment in support of FBI and other Federal investigative activities.

Major Objectives:

To provide professional, expeditious handling of requests for examination of physical evidence.

To assist in the prosecution of criminal matters by providing factual, objective, expert testimony in a wide variety of forensic disciplines.

To provide technical expertise and support for FBI investigative operations.

To conduct research sufficient to maximize the use of physical evidence and to stay abreast of new technology.

To complete staffing and equipping of the Forensic Science Research and Training Center. This center will increase service to Federal law enforcement and further professionalize state and local law enforcement personnel decreasing their dependence on Federal facilities.

To provide specially designed devices and apparatus for use in criminal and counterintelligence investigative activities.

Base Program Description: Requests for examinations of evidence come to the FBI Laboratory as a result of FBI field investigations and from other Federal agencies which do not have the technical capability to perform a particular type of examination.

The cases received include specific requests made by the contributor to conduct a wide range of forensic examinations on the physical evidence (specimens) obtained during the investigation of the crime. Requests are received in the Evidence Control Center where pertinent information concerning the request is computerized. The request is then assigned a priority for examination and assigned to a principal examiner. The examiner is totally responsible for the case -- determining what examinations must be done to obtain the greatest technical information from the specimen(s), maintaining the chain of custody of the evidence, obtaining auxiliary examiners, supervising, and conducting examinations, reading and assembling the results of other examinations and writing the final laboratory report. The examiner may be called upon to render expert testimony concerning the results of the examination in subsequent court proceedings.

On occasion, during the investigation of FBI matters such as terrorist bombings, arson matters, undercover operations, kidnapping, etc., laboratory personnel are required to provide on-site technical support or to conduct a crime-scene search. Agent examiners are also requested to perform undercover work when persons having a technical background are needed during an investigation.

Laboratory examiners are utilized to teach specialized forensic science courses offered at the FBI Academy, Quantico, Virginia, and, as necessary, in other parts of the country. Such courses are usually offered for one-to-two week periods and include lectures and practical laboratory instruction for Federal, state, and local crime laboratories and law enforcement personnel.

Accomplishments and Workload: Accomplishments of the Forensic Services - Federal program are presented in the following table:

	Estimates		
	1979	1980	1981
Requests for examination.....	11,956	12,147	12,300
Specimens submitted.....	124,306	154,454	155,000
Examinations conducted.....	287,269	378,149	380,000
Workdays Spent on Research.....	2,410	2,230	2,035
Trial and Investigative Aids Prepared.....	5,873	5,721	7,150
Charts, Miscellaneous Graphics and Exhibits Prepared.....	12,424	16,350	16,350
Photo Prints Processed.....	1,212,144	1,434,143	1,450,000
Testimony workdays.....	776	886	950

The workload data set forth in the above table show a significant increase in the number of examinations performed in 1980. A portion of this unusual increase is because of two very large Federal gambling cases involving syndicated gambling (47,669 examinations) and one case involving theft from interstate shipment (17,219 examinations). Even without these large cases there was a substantial increase in examinations. This is due to the increased awareness of Federal investigators of the value of physical evidence in the solution and prosecution of crime; more complex cases involving white-collar and organized crime; and increased capability which permits more examinations on a single piece of evidence.

Other accomplishments include:

A continuing automation effort which incorporates a management information system with automated scientific and technical data processing. Through computer terminals located in most laboratory units, managers have the ability to quickly retrieve important case information, study examiner case loads, select auxiliary examiners, and answer inquiries from contributors concerning the status of cases from data entered into the system in the Evidence Control Center. These same terminals are utilized by the examiners and technicians to more rapidly process results of instrumental analysis, process large blocks of data from multi-specimen cases, query files, etc. Plans were completed for the construction of the \$4.1 million Forensic Science Research and Training Center which will be located at Quantico, Virginia. A construction contract was awarded in November 1979, and construction began in December 1979. The facility is expected to be fully operational by early Summer 1981.

Other accomplishments include the publication of the "Crime Laboratory Digest"; coordination of the Seventh Annual Symposium on Crime Laboratory Development and the following successful research projects; (a) The detection of lead alkyls in gasoline and arson residues; (b) The determination of the sex of an individual from a dried bloodstain; and (c) Capillary method for the Lewis typing of red blood cells.

Program Changes: Increases of 24 positions and \$2,644,000 are requested for 1982 for the Forensic Services - Federal Program. These increases will permit the following:

Examination: Federal Investigators are maximizing the use of physical evidence in the investigation of Federal violations. In 1980 the FBI Laboratory experienced a 24% increase in the amount of physical evidence submitted for examination. This increase has caused a 32% increase in the number of examinations performed by the Laboratory in Federal matters. Those Federal violations producing the greatest workload increases in examinations are kidnapping (90%), bomb threats (145%), Federal Reserve Act (90%), Racketeer Influenced Corrupt Organization (240%), and Hobbs Act - Corruption of Public Officials (72%). This increased workload has caused undue pressure on some units of the FBI Laboratory. For example, the Mineralogy/Metallurgy Unit has experienced a 110% increase in general metallurgical examinations and a 58% increase in mineralogical examinations. The Explosives Unit has experienced a 92% increase in the examination of explosive components and the Firearms-Toolmarks Unit a 17% increase in general toolmarks examinations. The enhancements requested in 1982 will provide the resources necessary to enable the Laboratory to respond in an adequate manner.

Research and Training: Funds to construct the FBI's Forensic Science Research and Training Center were approved by the Congress in FY 1979. The building at the FBI Academy is expected to be completed by the Spring of 1981. In order to utilize the facility, the resources are needed to complete staffing and to purchase equipment and supplies. Additionally, some research projects have been pursued to the point that industry assistance is required.

Three of these research areas are: Image Processing, Digital Analysis of Handwriting, and Photogrammetry. This unique research is directed toward development of computer programs for the complex mathematical manipulations necessary to gain information from a photographic image. The development of this capability is essential to provide adequate support for priority investigative areas such as white-collar crime, foreign counterintelligence, and organized crime. The increase for 1982 will provide the software, studies, and equipment prototypes necessary for this research.

Due to the increased value of, and need for, polygraph examinations in organized crime, white-collar crime, and foreign counterintelligence investigations, there is a great need to train additional agents as polygraph examiners. There are no schools available which can provide training or offer the type and quality of training desired for the number of agents who require this training. It is essential for the FBI to institute its own polygraph training program. This increase will provide funding to meet the initial requirements in this area.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY
ADP and Telecommunications.....	400	389	\$36,154	406	394	\$38,556	406	394	\$51,268	-	\$12,712

Long-Range Goal: To support the FBI's information collection, storage, retrieval, and dissemination requirements through the use of ADP, telecommunications, and word processing resources.

Major Objectives:

To support the investigation of major cases of national importance and complex cases through the operation and maintenance of the Major Case Information System (MCIS) and other investigative support capabilities.

To develop and implement an ADP and Telecommunications (ADPT) system which provides information analysis capability for organized crime investigations.

To develop and implement a dedicated secure ADPT system which supports the FBI's Foreign Counterintelligence (FCI) activities.

To develop and implement a comprehensive Administrative Support Information System through a top-down functional analysis.

To expand the implementation of Field Office Information Management Systems (FOIMS) to field offices with particular emphasis on text-editing resources.

To modernize the Intra-FBI Record Communications System (IRCS) through conversion to the Department of Defense Automated Digital Network (AUTODIN).

To acquire secure voice telephone equipment and maintain field office telephone facilities.

To provide the ADPT resources necessary to support the Fingerprint Identification, and Criminal Justice Data and Statistics Services Programs.

Base Program Description: This program provides all ADPT services to the FBI on a nationwide basis. The Technical Services Division (TSD) insures that the FBI's ADPT resources are responsive to the agency's information processing needs and are acquired, managed, and utilized in accordance with Governmental laws and regulations. Cost-efficient ADP systems that are "user" oriented provide greater efficiency in the collection, maintenance, and dissemination of investigative information. This modern technology allows the FBI to apply greater emphasis in the investigations of organized crime, white-collar crime, and foreign counterintelligence matters.

The objectives of this program are achieved through the operations of the following major information systems:

Investigative Support Information Systems (ISIS) - These information collections systems provide direct information processing support to the 59 field divisions and their investigative activities. The Major Case Information System (MCIS) provides analysis capabilities as well as an automated index to investigations of national importance. Other organized crime and white-collar crime cases, with large volumes of evidence and other investigative information, are evaluated and supported on a case-by-case basis. Although the number of cases supported by ADP continues to grow each year, the complexity of each individual case directly affects the workload more than does the volume of cases. This makes it incumbent upon the FBI's ADP staff to allow flexibility in providing on-site analysis for immediate data entry and/or on-line usage. The Organized Crime Information System (OCIS) and the Intelligence Information System (IIS) are two top-priority initiatives which will improve tremendously the investigative information gathering and analysis capabilities of the field offices. These systems will

provide a central data base containing sufficient information to facilitate program management at both the national and field office levels.

Administrative Support Information Systems (ASIS) - This collection of information systems will provide FBI Management with an accurate account of pertinent information, in a logical fashion, and on a timely basis to support and promote sound managerial decisions and to meet the external reporting requirements. Information processed concerns personnel, payroll, expenditures and accounting, budgets, training, investigative statistics and accomplishments, administrative statistics, employee workload data, and mailing lists.

Field Office Information Management System (FOIMS) - This system, when fully operational, will provide each field office with an integrated information processing system incorporating word processing, data processing and telecommunications technologies.

Intra-FBI Records Communications System (IRCS) - This telecommunications system provides all data and message transmission between FBIHQ, field offices, and foreign posts. A major component of the 1982 program increase is the conversion to the AUTODIN, which will prove to be more secure and cost efficient than the FBI's existing point-to-point transmission methods.

Telephone Systems - The FBI must have efficient and secure telephone facilities available to support its investigative mission. This program includes capital investment funding for Secure Telephone Units (STU-IIs).

National Crime Information Center (NCIC) - The FBI's NCIC, which is included in the Criminal Justice Data and Statistics program, is the only national law enforcement teleprocessing system in existence today which provides documented information on wanted and missing persons, stolen properties, and criminal histories. It is supported by a large component of FBI Computer Center ADPT resources which are set forth in this program.

Automated Identification Division System (AIDS) - The TSD, in conjunction with the Identification Division, is involved in a comprehensive project to automate the fingerprint card processing and related activities of the Identification Division. Resource requirements for AIDS, which are set forth in this program's base, include rental and purchase of general-purpose ADP Equipment (ADPE).

Accomplishments and Workload: During 1980, significant progress was made in upgrading hardware facilities within the FBI Computer Center. The FBI's primary ADP vendor, Vion Corporation, replaced the IBM 360/65 host processor which was dedicated to supporting the FBI's highest priority criminal investigative matters with an NAS 7000. Additionally, an unsolicited proposal was made to replace two remaining IBM 360/65 host processors with more modern and reliable equipment. The FBI's consideration of this unsolicited proposal was advertised in the "Commerce Business Daily." In April 1980, one additional vendor submitted its proposal to provide similar equipment. The contract review process determined that the Vion Corporation's unsolicited proposal was the most cost effective, and the two IBM 360/65 host processors were replaced with two NAS 5000 host processors in May 1980. Furthermore, during 1980, a surplus IBM 370/155 was obtained from the Department of Justice and dedicated to the support of AIDS. Additional hardware procurements were conducted for other necessary items such as disk storage and memory to support the increasing requirements of AIDS and Investigative Support Information Systems. During 1980, the Organized Crime Information System (OCIS) became fully operational in the Detroit, Philadelphia, and Newark Field Offices in addition to FBI Headquarters. The Intelligence Information System (IIS) was made available to four field offices and FBI Headquarters (FBIHQ).

During 1981, the FBI will replace the telecommunications control equipment for NCIC. With the upgrading of both the telecommunications control equipment and the host processor, NCIC users are no longer being dissuaded from making full utilization of NCIC's capabilities. The support services provided by this program do not lend themselves to measurement or evaluation by routine workload, output, and performance indicators.

Program Changes: An increase of \$12,712,000 is requested for the ADPT Program for 1982. This increase will provide funding to meet the following objectives:

An increase of \$2,636,000 to provide for maintenance commitments, training, rentals, and supplies for the operation of the resources in the FBIHQ Computer Center.

An increase of \$2,526,000 will allow full implementation of the Field Office Information Management System (FOIMS) in the New York Division (NYD); the development and implementation of a Northeast Regional Computer Support Center; and the acquisition of a computer system and selected terminal and printer equipment to support the other offices in the Northeast Region. Consultant support will be acquired to provide assistance in the testing and evaluation of the NYD regional configuration and will provide input into a requirements definition for subsequent FOIMS regional configurations. Consulting support will also be utilized in the acquisition and implementation of a microfiche storage and retrieval system for the NYD.

An increase of \$2,329,000 is requested to establish a data communications network through the use of AUTODIN. The FBI's long-range ADP and telecommunications plan calls for a structured integration of information systems into one data communications network. In 1982, it is planned that investigative support systems and FOIMS will share telecommunications facilities for the first time.

The additional fiscal resources will allow the FBI to establish a local area network at FBIHQ; continue development and implementation of a comprehensive Administrative Support System; provide for site and facility upgrades, encryption devices, and TEMPEST-tested terminals for the Investigative Support Information System.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Local Attache.....	57	55 \$2,050	57	55 \$2,074	57	55 \$2,074	--	--

Long-Range Goal: To assure continuous and prompt exchange of information with foreign Law enforcement and Intelligence agencies to enable the FBI to meet its mandated responsibilities.

Major Objectives:

To develop and maintain liaison with foreign law enforcement and intelligence agencies.
To provide a constant and prompt exchange of information and assistance with the above agencies.

Base Program Description: All liaison with the principal foreign law enforcement and intelligence agencies throughout the countries covered by legal attaches are handled through continuous direct personal liaison. Investigative matters that have international ramifications are handled expeditiously by legal attaches and coordinated through appropriate components at FBI Headquarters. Continuous contact is maintained with Embassy personnel, including representatives of other U. S. law enforcement and security agencies, to insure that maximum coordination is effected in accomplishing overall objectives of the FBI.

Budgetary and other consideration in 1980 resulted in the closing of the Buenos Aires post. This affected the ability of the FBI to maintain vital and timely personal liaison with foreign law enforcement agencies in that area. The current funding level enabled the FBI to open a new legal attache post in Montevideo. This new post is essential for the FBI to fulfill its overall mandated responsibilities in South America.

Given the current level of appropriation, the 13 legal attache posts will be staffed as follows:

<u>POSTS</u>	<u>SPECIAL AGENTS</u>	<u>SUPPORT PERSONNEL</u>
<u>Europe</u>		
Bern	2	2
Bonn	4	4
London	4	4
Paris	2	2
Rome	2	2
<u>Latin America</u>		
Bogota	2	2
Montevideo	1	1
Mexico City	4	4
Panama City	1	1

Far East

Tokyo	1	1
<u>SE Asia</u>		
Hong Kong	2	1
Manila	1	1
<u>North America</u>		
Ottawa	2	2
FBIHQ Foreign Liaison Unit	2	27
	<u>30</u>	

With the current level of appropriation at 57 positions, 30 will be staffed with special agents. The 2 special agents positioned for training at FBI headquarters are essential for filling vacancies during normal shifting and transfer of personnel at various legal attaché posts. These two training positions are designed for smooth and continuous operations of all 13 legal attaché posts.

Accomplishments & Workload: The following table reflects accomplishments of the Legal Attache program wherein legal attaché offices are actually involved and do not include name check requests:

Item	Estimates	
	1981	1982
Investigative matters received	1979	1980
Number of foreign law enforcement and intelligence agencies with which liaison maintained	8,555	8,643
FBI fugitives located	200	200
FBI fugitives returned to U. S.	275	225
Fugitives of interest to other agencies located	86	75
Heavy equipment, automobiles, and airplanes located	75	75
Assistance in Foreign Police Cooperation cases	15	15
Value of items located abroad(000)	2,100	2,300
	\$4,789	\$6,300
		\$8,000

It is noted that the legal attache offices' primary function is of a service nature, to assist and facilitate the fulfillment of the overall responsibilities of the FBI. Their performance, particularly in regard to the areas of domestic security and foreign counterintelligence, can only be measured in terms of the quality and timeliness of information exchanged with foreign contacts and its effects upon domestic investigations conducted by the FBI and other U. S. agencies to which this information is disseminated.

The following are just a few examples of qualitative performance measures of this program, indicating the significant role played by the legal attaches in the FBI's overall program:

1. During 1980, through close coordination and exchange of information with British officials in London, Legal Attache London was instrumental in the arrest of an armed robber who stole \$3 1/2 million in jewelry in London.
2. In 1980, one of the legal attaches in Europe obtained information from a western European country identifying an illegal agent who moved to the U.S. He was subsequently arrested on a business trip to Europe and admitted to our Legal Attache that he was an officer in a hostile intelligence service.
3. In October 1980, efforts of legal attache Rome resulted in the indictment of one of Italy's leading financiers who staged a false kidnapping to avoid prosecution in his involvement with the failure of a U.S. bank in New York.
4. In 1980, through information furnished by an FBI double agent, a legal attache furnished the identity of a western European resident who was in contact with intelligence officers in another country. With this information, the intelligence service of the western European country was able to initiate an operation against the resident.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount
Anticipated								
Records Management.....	1,511	1,316	1,501	1,458	1,501	1,458	---	---
								\$982

Long-Range Goal: To effectively support FBI investigative and administrative operations and responsibilities through timely and efficient records processing, storage, disposition, retrieval and to respond to FOIPA requests, civil discovery proceedings and Congressional oversight groups for FBI records and information.

Major Objectives:

To route, classify, search, serialize, and record over two million pieces of mail and dispatch three million pieces of mail.

To expeditiously handle 1.5 million name checks annually received from other Executive Agencies.

To continue to improve the security of records holdings under requirements set out in Executive Order 12065.

To protect sensitive national security information consistent with Federal regulations.

To review and release pertinent documents in criminal and civil litigation on a timely basis so as to meet all court-imposed deadlines.

To implement and develop additional phases of the Automated Records Management System (ARMS), an Automated Bin Retrieval System and to microfilm inactive records.

To acknowledge, search, review, and process FOIPA requests for release; respond to administrative appeals and provide training and research support for analysts and agent personnel at FBIHQ and field offices.

To coordinate review of processed documents with documents previously released under FOIPA in order to insure that all privileged data are properly protected.

Base Program Description: In the Records Management Program, efforts are underway to effectively process, store, and maintain the FBI's records through a phased implementation of the ARMS Program. This system is being applied to the administrative and investigative files, with the implementation of the File Automated Control System (FACS); the personnel files under the Personnel Automated Records System (PARS); the index to the files; and the Automation of Incoming Mail Serialization (AIMS).

Under Records Systems, all incoming and outgoing mail is handled in the mail room and this mail, along with internal memoranda, is routed to respective Headquarters Divisions. Mail is classified, searched, serialized, recorded, examined for accuracy, and filed. Under Records Services, investigative, personnel, applicant, administrative, and general files are maintained and services are extended to supervisors in support of their investigative and administrative operations which include FOIPA requests, as well as requests from other Executive Branch agencies under the National Agency Check Program.

The complexities of the FBI's record keeping system and the sensitive nature of information contained in the files require the Document Classification and Review Section to review investigative records to insure that documents made available to plaintiffs through discovery in civil suits are properly classified to protect sources, methods, and other matters consistent with appropriate executive orders. Policy pertaining to security and classification of documents is formulated in accordance with executive orders and intelligence community directives. Training and security clearance programs are implemented.

In the Freedom of Information and Privacy Acts (FOIPA) Program, files are reviewed, proper excisions are made and responsive material is prepared for release to requesters. Pertinent material requested is coordinated with document classification authorities. Elements of the basic FOIPA Program encompass coordination with the Department of Justice to conclude administrative appeals and with the FBI's Legal Counsel Division to resolve litigation matters. Training programs are conducted for FBI personnel furnishing instructions, guidelines, court decisions, and policy concerning FOIPA matters. The FOIPA Program will have sufficient resources to continue to process and handle the same number of requests as received. However, the continued existence of the backlog is a barrier to the FBI's ability to make prompt and thorough responses to requests because it creates a constant stream of appeals, litigation and correspondence. FOIPA is still a highly visible program and continues to receive exposure through the media and other public interest groups. While a good faith effort to comply with the time constraints of the Act can be demonstrated, the resources available are still not sufficient to bring about any major reduction

in the backlog of requests or appeals on hand, provide prompt responses in all cases, or resolve many of the FOIPA matters presently in litigation.

Accomplishments and Workload:

	1979	1980	1981	Estimates 1982	1983
Mail classified	778,364	793,513	809,383	817,477	825,570
Mail searched	242,971	312,346	318,592	353,592	388,592
Mail serialized	762,266	936,698	1,114,670	1,214,670	1,314,670
Mail recorded	1,464,177	1,247,279	1,060,188	1,000,000	1,000,000
Mail checked	1,155,534	1,270,888	1,385,267	1,440,667	1,496,077
Index cards filed	769,567	912,437	1,058,426	2,100,000	2,100,000
Index cards converted	---	---	750,000	4,000,000	4,000,000
Mail filed	1,195,134	1,175,607	1,152,095	1,140,575	1,129,055
Files requested	784,654	824,766	866,004	883,324	900,324
Files pulled	455,813	534,103	614,218	657,218	700,218
Locates handled	136,863	132,185	126,898	124,360	121,762
Pages microfilmed	---	791,699	850,000	3,625,000	3,625,000
Mail routed	1,985,967	1,968,179	1,948,498	1,946,550	1,944,602
Mail dispatched	2,068,016	3,109,874	3,200,000	3,250,000	3,250,000
Name checks processed	2,092,801	1,972,336	2,000,000	1,700,000	1,700,000
Reviews for civil discovery:					
Pages reviewed	1,200,000	1,248,002	1,062,500	1,062,500	1,062,500
Pages processed	402,004	408,004	408,004	346,803	346,803

Accomplishments and Workload:

	1979	1980	1981	Estimates 1982	Estimates 1983
Classification Reviews:					
Pages reviewed under FOIA	576,325	571,178	571,178	485,501	485,501
Pages reviewed under Civil Discovery	1,670,000	366,818	366,818	311,795	311,795
Appeals completed	375	375	375	319	319
Affidavits completed	50	104	104	88	88

FOIPA:

No record and administrative closings	9,232	12,186	9,750	9,750	9,750
Requests processed with identifiable					
Records released	5,014	5,516	5,560	5,392	4,785
Total requests handled	14,552	17,702	15,310	15,142	14,535
Backlog of requests*	2,697	2,774	2,464	2,322	3,074
Appeals resolved and closed	1,454	1,440	1,440	1,400	1,248
Backlog of appeals	478	464	475	515	1,050
Correction/amendment requests resolved	16	116	100	100	100

*Backlog does not include those matters which are predictably no record or can be administratively closed.

Significant steps have been taken to implement the AIMS Program in the past year. AIMS Phase II was placed into operation in September 1979, which eliminated the preparation of hard-copy abstracts in all administrative and investigative matters and has resulted in increased efficiency and utilization of the AIMS data base for the information formerly contained on the abstracts. The Special File Room was relocated to new, expanded quarters with increased security. An automated file retrieval system (Conserv-a-trieve) was installed for the purpose of centralizing and modifying mail processing and filing functions for greater efficiency. Extensive security arrangements in the processing of sensitive investigative material have been devised and implemented. The microfilming of criminal files over ten years old was begun to help alleviate file cabinet growth problems and enable Records Management Division to conserve space. Flexitime, allowing for alternate work schedules, was instituted. Records Management Division also led the way at FBIHQ by inaugurating a ten-hour day, four-day workweek (compressed time) for the Division's night force in lieu of the traditional eight-hour, five-day workweek. Significant realignments of personnel have provided for more efficient operations, numerous upgradings and career path development, increased productivity, and improved personnel morale. The Records Management Streamlining Committee, which evaluates functional operations and takes necessary action to implement changes, considered 26 individual suggestions and as a result of the implementation of five suggestions, projected annual savings to the Government of \$240,456.

The Document Classification and Review Section held security officers In-Services for field office security officers; prepared a classification guide for the classifying of national security information; developed procedures and processed 18,000 name checks relative to the security of the 1980 Winter Olympics held at Lake Placid, New York; 26,000 name checks for the recent Presidential campaigns; 59,621 name checks (with a 48-hour turnaround rate) regarding Cuban nationals seeking asylum and in conjunction with the Office of Special Investigations, U. S. Department of Justice, provided material in connection with investigations of alleged Nazi war criminals residing in the United States.

Development of the Time Utilization Record Keeping (TURK) System has enabled FOIPA to more accurately predict production statistics. A statistical analysis of TURK data has verified that analyst productivity has increased eight percent and the volume of litigation matters handled has increased 21 percent. FOIPA began the development of a comprehensive format to furnish requesters coded categories for the justification withheld, and the reasons for its being withheld. This new format is expected to: reduce typing costs, analyst processing time, time spent on appeals, litigation preparation time, and improve clarity of product and rationale. In continuing efforts to reduce the number of agents and replace them with support analysts, the Branch completed the third phase of a management assessment program developed to select these analysts. A computer feasibility study was completed and the first steps were undertaken to develop a new system to collect and report statistics in a computer format. Anticipated benefits from this program are: reduction of time to process telephone inquiries; elimination of manual collecting and reporting of statistical data; improved word processing efficiency and greater management oversight. The FOIPA Branch developed and proposed a comprehensive plan for legislative amendment in areas where experience has convinced the FBI that the Freedom of Information Act needs refinement.

Program Charges: The Records Management Division (RMD) in compliance with Executive Order 12065, Section 4, 4-1, is requesting resources to obtain the necessary security devices to restrict entry by unauthorized personnel into the records holding areas. The request will enhance security for the restricted areas through the use of closed circuit television cameras. These cameras will operate 24 hours a day and be monitored through the Security Access Control System (SACS). The alarms will be attached to

special closed circuit television recorders and motion detection equipment, allowing for full through-the-lense monitoring of all RMD records holding areas by SACS and totally restrict access attempts to these secured areas. Existing file storage space within the J. Edgar Hoover Building is at capacity. Options that will effectively maintain the integrity of the filing system are: (1) to convert the more inactive material to a microform; or (2) to destroy the inactive material. As a result of a preliminary injunction order issued in Civil Action 79-1655, the FBI is currently prohibited from destroying any FBI files and records. The pending proposal would allow the destruction of approximately 40 percent of the existing file holdings. Until a determination is forthcoming, all available options to relieve records storage expansion are being carried out. RMD has embarked upon an attempt to resolve its pressing space problems by filming criminal files over ten years old. Two TIC Document II cameras are needed to provide the necessary capabilities for rapid filming of hard-copy file material. The Document II camera is a high-speed, high-quality microfilm that is capable of filming 1,500 to 2,500 documents per hour. These two cameras will enable RMD to film approximately 3,625,000 pages yearly, requiring three to four years' time for criminal files over ten years old to be filmed. Criminal files over ten years old involves the filming of 27 million pages which occupy 7,000 square feet of floor space in 1,000 six-drawer file cabinets. The payback period for the microfilming of criminal files over ten years old is estimated at 6.4 years. The microfilming of inactive records will alleviate pressing space problems, insure a higher quality of maintenance for these files, and in the routine of filming, insure the inspection, duplication, and finishing are of excellent quality. The advantages to the implementation of this type of equipment allow for storage compaction, file integrity, economy of production, and allows the user with self-threading cartridges easy access to microfilmed documents. The requested Automated Bin Retrieval System will enable records management to reduce ineffective, crowded cabinets into a smaller configuration of hard-copy files and centralize active file material. The organization of the work unit allows for the proper file tray to be brought to the operator to extract the file, facilitating file requests, file returns, and mail filing. The operation will allow for better supervision of personnel in order to produce a higher quality work product. The use of the Conserv-a-trieve would alter the current method of handling files and savings would be approximately \$301,147 or the cost of the Conserv-a-trieves amortized over a two and one-half year period. Extended costs for full implementation of this system, approximately seven units, is approximately one million dollars. In view of the phased implementation, there will be an annual savings, but not total anticipated savings until the system is fully implemented. Continued efforts of Records Management Division to implement the ARMS Program require the expertise and direction of an outside consultant. Several stages of the ARMS Program have been implemented; however, Records Management Division must be sure its automated procedures, as they evolve, will be completely responsive to the FBI's overall needs, in both field and Headquarters operations. The phases of automation implemented, Conserv-a-trieves, and microfilm systems are all alternatives to the present hard-copy file processing, filing, and retrieval methods; however, the most cost-effective approach to integrating all of these systems necessitates an outside analysis in order to evaluate present systems that have been instituted and those to be implemented in future years.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Technical Field Support												
and Equipment	130	126	\$21,177	130	126	\$23,184	139	135	\$30,019	9	9	\$6,835

Long-Range goal: To provide essential technical support and equipment to the FBI field offices and conduct necessary research and development to maintain a level of technology commensurate with foreign and domestic adversaries.

Major Objectives:

- To provide centralized management of the FBI's FM radio communications systems and continue a 10-year life replacement cycle.
- To develop and implement security features such as voice privacy in the FM radio communications systems.
- To maintain the field's passenger-carrying automobile fleet by replacing vehicles which have reached the end of their useful life.
- To manage the FBI's use of aircraft for investigative support.
- To provide technical expertise in the examination of electronic-related evidence such as recordings and communications interception devices and to provide expert court testimony relating to these examinations.
- To replace the field's inventory of audio collection and recording equipment, audio analysis equipment, physical surveillance equipment, physical security and countermeasures equipment, firearms and tactical equipment, photographic equipment, crime-scene examination equipment, furniture, general office equipment, emergency operating facility equipment, and automotive maintenance equipment as it reaches the end of its useful life.
- To provide the field with sophisticated technical equipment and on-site technical support required to support the FBI's complicated investigative activities.
- To insure the physical security of FBI facilities and to satisfy the requests of the Department of Justice and other agencies for electronic "sweeps."
- To continue research and developmental efforts regarding new technical capabilities applicable to the criminal and FCI investigative missions.

Base Program Description: This program provides technical investigative support to the field and maintains centralized management of all field equipment to maximize work force utilization and expedite the completion of complicated investigative matters. Frequently, investigative objectives cannot be met without sophisticated technical support. Virtually all field investigative programs are dependent upon the technical support and services provided by this program.

The primary thrust of this program is the development, design, engineering, procurement, distribution, and installation of technical support equipment required to assist in the successful accomplishment of the Bureau's criminal investigative and FCI missions as well as the provision of adequate manpower to install, maintain, and assist in the operation of that equipment. The objectives of this program are supported by the following major categories of field equipment:

Radio Communications Equipment: Most FBI investigative efforts require the utilization of FM radio communications facilities to effectively conduct activities. This program is responsible for overall management of the FM system, which includes handling all frequency management functions for the FBI and related functions for other Department of Justice components as well as the evaluation and implementation of appropriate security features such as voice privacy.

Passenger Automobiles: The FBI's passenger-carrying automobile fleet, which consists of approximately 5,300 vehicles, is driven more than 89 million miles per year. The end of the useful life of each automobile is generally reached at six years or 60,000 miles; therefore, approximately 1,400 automobiles actually become eligible for replacement each year.

Surveillance Vehicles: Vans and other surveillance vehicles are required to support the surveillance of subjects of the FBI's major programs.

Aircraft: Although this program provides centralized management of the FBI's use of aircraft, all aircraft rental resources are procured among the FBI's investigative programs.

Audio Collection and Recording Equipment: This category of equipment is primarily utilized to support the FBI's RCI and Organized Crime Programs. This program coordinates both the installation of equipment and the operation of the FBI's central monitoring plants.

Physical Surveillance Equipment: This category of equipment supports the physical observation of subjects of RCI cases, organized and white-collar crime investigations, kidnappings, extortions, and other criminal activity to facilitate the identification and apprehension of subjects, the protection of victims, and the collation of documentary evidence to successfully prosecute offenders.

Physical Security and Countermeasures Equipment: This category of equipment includes Closed Circuit Television (CCTV) equipment and electronic test equipment. The test equipment is used to "sweep" the facilities of the FBI and other Government agencies to insure freedom from clandestine listening devices.

Firearms and Tactical Equipment: This category of equipment includes handguns, shotguns, rifles, and scopes, in addition to special equipment for the field's Special Weapons and Tactics (SWAT) teams.

Photographic, Photographic Laboratory, and Crime-Scene Examination Equipment: This category includes cameras, lenses, and technical equipment to collect physical evidence at the scene of crimes. Also included is field equipment necessary to support the development and printing of photographs.

Furniture, Office Equipment, and Emergency Operating Facility (EOF) Equipment: The FBI must replace field office furniture and office equipment reaching the end of its useful life. Special equipment is required for the FBI's Emergency Operating Facilities (EOFs) which will provide for continuity of operations during periods of National Emergency.

Audio Analysis Equipment: This program examines evidence pertaining to the interception of communications and audio signals. Requests for audio forensic examinations are received from the FBI field offices and other Federal, state, and local law enforcement agencies.

Accomplishments and Workload: The following table sets forth the accomplishments of the Technical Field Support and Equipment Program which can be meaningfully presented in quantitative terms. Many of the accomplishments that occur as a result of the installation of sophisticated technical equipment by technical personnel cannot be measured by the number of equipment items installed. In many cases, the technical support provided by this program can only be measured in terms of the accomplishments

of the FBI Investigative programs.

Item	Estimates		
	1979	1980	1981
Voice privacy units installed.	52	214	300
Secure voice units installed.	21	75	90
Portable radios repaired at FBIHQ.	425	435	600
Radio frequencies provided.	10	42	95
Radio frequency interference problems solved.	5	5	15
Interception of Communications (IOC) forensic examinations conducted.	68	75	80
Interagency Telephone Laboratory (ITL) examinations conducted.	8	10	12
Audio forensic specimens examined.	2,380	3,650	3,200
Expert testimony provided in audio analysis forensic cases.	37	37	50

During 1980, the development of a voice privacy device was initiated. This voice privacy device will protect FBI radio communications from being intercepted by scanning devices. It is anticipated that all FBI radio communications systems will be equipped with these devices as soon as resources are available. During 1980, the FM radio communications systems in eight field offices were replaced with modern updated equipment.

During 1980, the FBI purchased 1,200 Class II compact cars at an average unit cost of \$6,400. This acquisition included 800 six-cylinder fuel-efficient automobiles which will contribute significantly to reducing the overall fuel consumption of the automobile fleet. This trend toward more fuel-efficient smaller cars will be continued in 1981 and 1982.

A significant accomplishment during 1980 was providing the 59 field divisions with sophisticated technical equipment and on-site technical expertise. Complicated investigations such as ABSCAM and BRILAB require major technical installations in order to obtain the critical evidence necessary to sustain a conviction. Approximately 50 of the 59 field offices requested and received technical equipment in support of criminal and foreign counterintelligence investigations. The major investigations where such support was afforded include ABSCAM, MIFORN, BRILAB, WOODMUR, INAVMUR, and the Lake Placid Games.

Program Changes: Increases of nine positions and \$6,835,000 are requested for 1982 for the Technical Field Support and Equipment Program. These increases are requested for the following equipment areas: the passenger-carrying automobile fleet, radio communications, and aircraft operations.

An increase of \$5,277,000 for the purchase of 753 fuel-efficient replacement automobiles is requested. This will allow a total of 1,460 automobiles to be replaced in 1982. The Federal Property Management Regulations indicate that the minimum vehicle replacement conditions are six years or 60,000 miles. It is estimated that 2,062 vehicles in the FBI's fleet will meet these minimum conditions in 1982; however, the FBI evaluates the actual operating condition of each vehicle prior to replacing it. During the 1981 budget cycle, the Office of Management and Budget (OMB) initially allowed current level funding to purchase 1,100 replacement vehicles; however, the President's budget amendment reduced replacement vehicle funding by \$2,200,000. In view of the ever-increasing cost of vehicles, base program funding will only allow the replacement of 740 vehicles in 1981 and 707 in 1982. Due to the reduction in 1981 to the automobile program, it is necessary for the FBI to replace 1,460 automobiles

In 1982 to keep the fleet operating at an effective level to support the investigative requirements of the FBI field offices. Otherwise, vehicle maintenance costs and "down time" of the vehicle fleet will increase dramatically. If automobiles in need of replacement are not replaced with more fuel-efficient 1982 vehicles, it is anticipated that fuel and oil costs will increase substantially. It is anticipated that by 1983, pre-1977 models will be experiencing more "down time" and a significantly increased amount of mileage will be placed on the 1980, 1981, and 1982 models, resulting in an overall degradation of the FBI's automobile fleet.

An increase of seven positions and \$1,305,000 is requested for the radio communications and voice privacy system. This will allow the replacement of a total of six of the eleven field office PM radio systems which have reached the end of their effective 10-year life cycle. In recent years, there have been increased incidences of the monitoring of FBI radio frequencies by organized crime figures, news media personnel, and inquisitive citizens resulting in the compromise of major investigative efforts. It is essential that individual PM systems reaching replacement status be replaced with voice privacy systems. The increase request of \$1,305,000 is dedicated to purchase this modern equipment and the seven positions are requested to assist in its implementation.

An increase of two positions and \$50,000 is requested for management of FBI aircraft operations. This request is in conjunction with the enhanced request for aircraft operations set forth in the investigative programs which will double FBI aircraft operations in 1982. The use of aircraft as a surveillance technique has increased in the last few years because it has proven to be an effective means of tracking movement of subjects in both criminal and PCI investigations. As the demands for aerial surveillance increase, the need for effective management of the aircraft program also increases. The two positions requested and \$50,000 for aircraft equipment are required to support the management of these enhanced resources.

Activity: State and Local Assistance	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
General Law Enforcement Training	360	349	\$15,236	360	349	\$16,663	396	384	\$18,433	36	35	\$1,770
Forensic Services - Non-Federal	121	118	5,767	121	118	6,391	122	119	6,782	1	1	391
Fingerprint Identification	3,023	2,863	61,457	3,031	3,049	62,679	3,031	3,049	63,594	—	—	1,275
Criminal Justice Data												
and Statistics Services	196	191	4,250	196	191	5,290	196	191	5,290	—	—	—
Total	3,700	3,521	\$86,704	3,708	3,707	\$91,023	3,743	3,743	\$94,459	37	36	\$3,436

This activity supports state and local law enforcement by providing training and furnishing laboratory, identification, and informational services. The FBI National Academy, the National Crime Information Center (NCIC), and the Uniform Crime Reporting (UCR) programs are but a few of the services funded under this activity.

Activity: State and Local Assistance	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
General Law Enforcement Training,.....	360	349	\$15,236	360	349	\$16,663	396	384	\$18,433	36	35	\$1,770

Long-Range Goal: To improve the investigative, managerial, and technical capabilities of local, county, and state law enforcement personnel through the process of training and education.

Major Objectives:

To provide timely training programs on issues of critical concern to the law enforcement community, both in the field and at the FBI Academy.

To provide executive development training to 1,200 law enforcement officials.

To increase the Field Police Training Program to a level of 65,000 hours of instruction for 160,000 officers.

To implement a national program to assess the training needs of local law enforcement.

To implement at Redstone Arsenal, Huntsville, Alabama, training courses for local law enforcement in the area of bombs and hazardous devices.

To continue the necessary research, refinement, and dissemination of criminal personality profiles in order to assist local law enforcement in the resolution of major crimes of violence.

Base Program Description: The FBI's mandate to provide training to local law enforcement is implemented in two ways. First, the FBI Academy offers a wide variety of training programs which are made available at no cost to selected criminal justice personnel. The courses range from highly technical one-week programs to the eleven-week National Academy program. Through the process of identifying training needs, the Academy staff conducts research, establishes program objectives, and develops courses of instruction to meet the identified training needs. For example, the need for executive training led to the development of the National Executive Institute (NEI) in 1976, and in 1981, the pilot program of the Law Enforcement Executive Development Seminar (LEEDS) will be held. Both programs, in conjunction with the National Academy, will help alleviate the critical lack of management training in law enforcement agencies. Another way in which the FBI Academy meets the needs of local law enforcement is through constant research in identified law enforcement problem areas. This has resulted in staff members becoming authorities in their respective fields. In this role, advice is disseminated daily on such diverse matters as homicide, crisis management, and the investigation of complicated economic crimes.

The second role performed by this decision unit is the management of the Field Police Training Program. Over 2,000 trained FBI instructors assigned to 59 FBI field offices participate in local police training programs throughout the Nation. This training assistance at the basic level is extensive, and is the backbone of FBI training assistance to local law enforcement. It is at this level of training that the rapport between local police and FBI agents is developed, which then fosters cooperative efforts between agencies in the investigation of criminal cases.

Accomplishments and Workload: Accomplishments of the General Law Enforcement Training Program for 1980 are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
A. Students trained at the FBI Academy				
1. National Executive Training Programs	1,027	1,027	1,087	1,200
2. Specialized training	3,340	3,215	2,000	2,000
B. Field Police Training Program				
1. Schools conducted	5,337	5,129	2,700	2,700
2. Students trained	158,578	168,259	85,000	85,000
3. Instructional hours	68,704	61,747	35,000	65,000
C. Direct Investigative Support				
1. Psychological Criminal Analysis (cases reviewed)	65	100	120	150

The above table presents data concerning the performance of the General Law Enforcement Training Program in 1980 as compared to 1979. As is evident from the data provided, reductions were noted in law enforcement personnel receiving specialized training at the FBI Academy and schools conducted through the FBI's Field Police Training Program. Reductions in both of these programs were results of 1980 travel and budgetary restrictions which impacted on funding available to transport personnel to the FBI Academy and instructor work-years funded to deliver training programs at local, state, and regional training facilities.

Although 1980 travel restrictions prohibited the FBI from meeting the documented training needs of the law enforcement community, critical programs were maintained and technical assistance to local law enforcement agencies increased. This included 1,000 National Academy graduates; the completion of the Fifth Session of the NEI; and the design for 1981 implementation of the LEADS program. One hundred fourteen (114) specialized schools were conducted at the FBI Academy, which included the following national conferences: The Third International Symposium on Terrorism presented to over 180 top state and local law enforcement officials; National Symposium on Economic Action, with 186 attendees; and the National Crime Laboratory Symposium, with 187 attendees. In addition to course offerings, the FBI Academy faculty provided consultation and investigative support to local law enforcement agencies in such topical areas as hostage negotiation, crisis management, and death investigation. A 55 percent increase in violent crime cases profiled was realized in 1980.

Program Changes: An increase of 36 positions and \$1,770,000 is requested in 1982 for this program. This figure represents 30 agents to be utilized in the Field Police Training Program and six personnel to implement a national assessment program to identify law enforcement training needs and evaluate program effectiveness.

In 1975, the FBI's Field Police Training Program provided an average of 2,100 hours of instruction per state. Without the 30 requested positions, it is projected that in 1982, an average of 700 hours of instruction per state will be provided. This reduction of almost 50 percent of that provided in 1980 would have an adverse impact on the FBI's efforts to have state and local agencies more involved in joint-jurisdiction criminal investigations. It is inconsistent to expect local agencies to increase their investigative efforts in new areas while at the same time reducing the availability of FBI training to assist local authorities accomplish this goal. Such a course of action could also impede the FBI's ability to address its national investigative priorities.

A 1980 FBI survey which was answered by 1,594 local law enforcement agencies revealed that 33 percent of all respondents indicated that they received no FBI assistance in training in 1980 but desired to receive such assistance in the future. Sixty-three percent (63%) of the respondents requested the same amount or more training than received in 1980. Of the 63 percent, 44 percent requested at least twice as much training assistance in the future. In response to another 1980 survey, the membership of the National Association of State Directors of Law Enforcement Training recommended the expansion of FBI training, both in the field and at the FBI Academy. With the dissolution of the LEAA, available funds and resources for local, county, and state agencies to conduct their own training will be seriously impaired, resulting in additional requests for FBI training assistance. The requested 30 agent positions, while not solving the training and developmental needs of local law enforcement, will allow this program to provide training at the 1980 funding level.

It is critical that the allocation of the limited FBI resources of the Field Police Training Program be based on documented law enforcement training needs. A national training needs assessment is the most viable process to insure that this program is managed in a cost-effective manner. Six support positions will be utilized for this assessment.

This request includes a program increase of \$525,000 in 1982 to implement and conduct the Hazardous Devices and Bomb Schools for local law enforcement at the Redstone Arsenal, Huntsville, Alabama.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Forensic Services - Non-Federal.....	121 118	\$5,767	121 118	\$6,391	122 119	\$6,782 1 1 \$391

Long-Range Goals: To insure continued professionalism and leadership within the Nation's criminal justice system by providing forensic services and training to authorized state and local law enforcement agencies, and to maximize the use of physical evidence in law enforcement.

To assist cities, states, and counties through forensic training to develop the capabilities of their new crime laboratories and expand the services of existing crime laboratories. A 1979 survey determined approximately 3,000 forensic examiners will need training in one or more of the specialized forensic schools through fiscal year 1985.

To encourage state and local crime laboratories to assume more of the burden of examinations of physical evidence.

Major Objectives: To train additional state and local crime laboratory personnel to enhance the ability of state and local laboratories to stay abreast of the rising forensic examination caseload and gradually assume more of the burden of examinations of physical evidence within their respective jurisdictions.

To conduct necessary training in new techniques developed through successful research to expand state and local capability to utilize the latest technical advances and make maximum use of physical evidence in support of the Nation's criminal justice system.

To expand the specialized forensic training of state and local law enforcement personnel to apply the most modern techniques to the solution and successful prosecution of criminal cases.

To provide the best possible scientific examination of physical evidence and provide expert testimony relating to these examinations on a cost-free basis to state and local law enforcement agencies which do not have these services available locally or on a statewide basis.

Base Program Description: Requests for examinations of evidence come into the FBI Laboratory as a result of state and local criminal investigations. Some additional requests are received from state and local crime laboratories that do not have the capability to perform the requested examinations.

All requests for examination are carefully screened. Those submitted by crime laboratories that have the capability to perform the requested examination are returned unexamined. All other requests are assigned a priority lower than FBI cases in major investigative areas unless state and local cases are of national prominence or cases in which a trial is imminent. State and local cases involving crimes of violence such as murder, rape, etc., are given equal priority with other FBI matters and federal matters which are not in areas of major investigative interest. All other state and local cases are placed in the lowest examination priority unless there are extenuating circumstances.

In the Spring of 1981, the FBI will open the Forensic Science Research and Training Center at Quantico, Virginia. This facility will uniquely combine forensic science research and forensic science training and will play a major role in the program to further professionalize the entire law enforcement community. Initial programs will focus on areas which have been identified through surveys and liaison with the crime laboratory community as the areas of training and research which will provide them with the most benefit and enable them to assume greater responsibility for the examination of physical evidence.

Accomplishments and Workload: Accomplishments of the Forensic Services - Non-Federal Program are presented in the following table:

	1979	1980	1981	1982
Requests for examination.....	8,567	7,054	6,800	6,800
Specimens submitted.....	60,510	51,728	50,225	50,225
Examinations conducted.....	212,041	241,305	240,000	240,000
Testimony workdays.....	1,076	1,296	1,300	1,300
Crime laboratory personnel trained in specialized schools.....	614	1,130	400	1,800

As evidenced by the figures in the above table, there was a significant increase in examinations conducted even though requests and specimens submitted decreased. Recent advances in technology, particularly in the area of bloodstain analysis, have increased the number of examinations conducted on a single specimen. Additionally, the complexity of cases submitted to the Laboratory has increased as state and local laboratories have assumed more of the burden for routine case examination. The estimated decrease in crime laboratory personnel to be trained in 1981 is because of a lack of funds for travel to and from the FBI Academy at Quantico.

Other accomplishments include:

The results of FBI forensic research and other timely articles and valuable information have been shared through publication of the "Crime Laboratory Digest." Issues of this publication are printed as necessary, approximately bimonthly, and distributed to approximately 800 Federal, state, and local crime laboratories and law enforcement agencies.

The FBI Laboratory hosted the Seventh Annual Symposium on Crime Laboratory Development. This annual meeting brought together approximately 200 crime laboratory managers and directors for discussions concerning education, research, training, law enforcement liaison, laboratory accreditation, and management techniques.

Plans were completed and construction is underway for the Forensic Science Research and Training Center at the FBI Academy, Quantico, Virginia. This facility, which is instrumental in the FBI Laboratory's plans to further professionalize state and local crime laboratory personnel to decrease their dependence on Federal facilities, will open in the Spring of 1981. A survey was disseminated to over 200 individual Federal, state, and local crime laboratory directors in the fall of 1979. The survey was structured to provide information in five main areas of laboratory activity. Responses to this survey have been tabulated and evaluated and have provided the basis for formulation of the initial research and training programs at the new center.

Program Changes: An increase of one position and \$391,000 is requested for 1982 for the Forensic Services - Non-Federal Program.

This level is requested to complete the staffing and equipping of the new Forensic Science Research and Training Center and to bear an appropriate portion of equipment acquisition and replacement costs. No additional forensic science services will be provided through this enhancement. Additional benefits which will be realized are expanded forensic science training programs.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease					
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.				
	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount				
Fingerprint Identification.....	3,023	3,120	\$61,451	3,031	3,049	\$62,679	3,031	3,049	\$63,954	---	---	\$1,275

Long-Range Goal: Provide accurate and timely fingerprint identification and related services to Federal, state, and local criminal justice agencies, as well as other governmental agencies and entities, as mandated by Federal statutes and regulations, and executive orders.

Major Objectives: Provide fingerprint identification and arrest record services on a timely basis to over 17,300 authorized users.

Provide for the posting of wanted and parole/probation notices in Identification Division files at the request of criminal justice agencies.

Provide latent fingerprint examination and testimony services to Federal, state, and local law enforcement agencies.

Provide fingerprint training to Federal, state, and local law enforcement personnel.

Provide, as a humanitarian service, assistance to Federal, state, and local governmental authorities in the identification of unknown, deceased persons, including on-site assistance at major disasters.

Comply with applicable statutes, regulations, court decisions, and internal operating policies so as to insure the completeness and accuracy of Identification Division records. This includes the processing of court-ordered expurgations and purge requests from contributors, as well as urging contributors to submit arrest disposition data.

Automate the work functions of the Identification Division in order to achieve greater efficiency, and personnel and operating cost savings.

Base Program Description: Since 1924, the FBI's Identification Division has served as the national repository and clearinghouse for fingerprint records and as such furnishes identification and arrest record services to over 17,300 agencies which are authorized to utilize the Division's services. Agencies submitting fingerprint record requests to the Identification

Division avoid the necessity of making costly inquiries of all of the other states as the national repository acts as a "locator" or "index" of arrest activity occurring throughout the country. The mobility of today's criminal necessitates prompt, efficient, and complete record checks, which can only be accomplished by use of a central point of inquiry which is provided by the Identification Division.

When created by an Act of Congress in 1924, the Identification Division files contained approximately 810,000 fingerprint records received from the National Bureau of Criminal Identification and Leavenworth Penitentiary. As of October 31, 1980, the Identification Division contained over 173 million fingerprint cards of which over 78 million reflect arrest data for approximately 20 million individuals. The remaining 93 million fingerprint cards represent over 44 million persons who have been fingerprinted in connection with employment in Federal Government agencies, military service, alien registration, and personal identification.

The work of the Division has traditionally been highly manual labor-intensive, with primary reliance placed on the postal service for communication with its users. However, in recent years, the growth in the size of the Division's files, the difficulty of recruiting and retaining personnel, and substantial new processing burdens resulting from privacy legislation, regulations and court decisions, have contributed to a steady growth in the average time required to process user requests from three workdays in the 1960's to 25 1/2 workdays as of August 1, 1980. As a measure to improve efficiency, the FBI in 1967 embarked on a program of research and development of computerized equipment and techniques to automatically read and search fingerprint cards. After an eight-month study conducted in 1971 determined the feasibility of incorporating such equipment and techniques into the Identification Division, the FBI began a phased implementation of automation in the Division. Notable accomplishments have been made toward that goal. The next step will be to expand the pilot fingerprint searching system to include additional portions of the computerized criminal fingerprint file so as to achieve short-term gains in operating efficiency and personnel savings. The final phase of automation will be to combine the equipment, techniques, and computerized files already developed into a fully integrated system. The Jet Propulsion Laboratory is currently under contract to determine the technical, economic, and operational feasibility of such a system. The available reports of the study support the continuation of the automation project and point out that the system can achieve cost savings to offset implementation costs by 1991 if the system is implemented on schedule. The study reports also support an expected decrease in time to process a fingerprint card through the Division from the current several weeks, to less than four hours, a decrease in cost per transaction, and an increase in system accuracy through this automation project.

Accomplishments and Workload: Accomplishments of the Fingerprint Identification program are presented in the following table:

1979 1980 1981 1982

Fingerprint Card Requests
Fingerprint Cards Processed
Correspondence (name checks, etc.)
Received
Correspondence Processed
Expedite and Special Requests
Received and Processed
Arrest Records Automated
Dispositions Processed
Expungements and Burge Requests
Processed
Nonserious Fingerprint Cards Purged
Fingerprint Cards Microfilmed
Latent Fingerprint Cases
Processed
Suspects Identified by Latent
Fingerprint Examinations
Latent Fingerprint Schools Conducted
Communications Mailed

6,145,659
5,838,376
4,324,048
4,237,567
94,453
685,450
1,645,057
465,005
907,643
1,537,404
23,880
4,303
65
8,833,022
6,330,274
5,850,545
4,679,742
4,515,951
91,552
745,528
1,626,063
400,665
530,964
1,441,116
23,040
3,924
63
9,617,419
6,520,000
5,540,000
4,120,000
3,502,000
87,500
806,350
1,078,528
180,767
480,000
2,000,000
24,500
4,450
80
9,165,000
6,710,000
5,310,000
4,245,000
3,608,250
90,000
820,000
1,060,400
190,000
440,000
1,500,000
24,900
4,500
64
7,945,600

During 1980, the Identification Division continued to experience heavy work receipts. For example, the number of fingerprints received in 1980 exceeded those of 1979 by three percent and correspondence received by seven percent. The number of communications mailed to users increased eight percent.

The Division was called upon to perform many "expedite" and "special" projects, including: 16,864 name checks requested by the New York State Police on persons involved in the 1980 Winter Olympic Games held at Lake Placid, New York, during February 1980; 1,500 fingerprint checks requested by the Bureau of Prisons relating to the inmates of the New Mexico State Penitentiary following riots there in February 1980; 9,410 name checks requested by the U. S. Secret Service relating to the 1980 Republican and Democratic National Conventions held in July and August 1980, respectively; and 61,843 fingerprint checks requested by the Immigration and Naturalization Service (INS) during May to August 1980 on Cubans applying for asylum in the United States, responses to which were furnished to INS within 48 hours of the receipt of the requests.

In addition, the Division's Disaster Squad traveled to Warsaw, Poland, to assist in the identification of Americans who lost their lives (including members of the U. S. Amateur Athletic Union Boxing Team) in the crash of a Polish airliner on March 14, 1980, as well as to Washington State to assist in the identification of victims of the Mount St. Helens volcanic eruption of May 18, 1980.

Program Changes: An increase of \$1,275,000 is requested for 1982 for the Fingerprint Identification program. These funds will enable the Identification Division to proceed in bringing potential manpower and cost savings closer to realization and improving the efficiency of services provided. The requested equipment includes \$367,000 for the purchase of data entry and

related equipment to sustain growth of the automated file of description and arrest information; \$99,000 for the rental of additional facsimile equipment; \$609,000 for the operation and maintenance of the existing AIDS automation level; and \$200,000 to undertake a system study to develop an automated latent fingerprint identification system.

Criminal justice and other governmental agencies have grown to place great reliance upon the Division for timely information. Previously, the Division was able to fulfill its responsibilities by processing most of the requests it received within three workdays (i.e., not counting weekends and holidays) of their receipt. However, in the 1970's the Division began to experience growing work backlogs with concomitant increases in the average time it takes to process requests for information. Reductions in service have come about due to a combination of factors: (a) the normal growth in the size of the Division's manual files; (b) the introduction of substantial new processing burdens as the result of legislation, regulations, and court decisions relating to personal privacy; and (c) the increasing difficulty in recruiting and retaining personnel. In 1981, the Division has allocated substantial resources for overtime, thus capitalizing on the skills of experienced employees.

The following table illustrates the worsening situation in recent years:

Work Trend Analysis:	10/1/77	10/1/78	10/1/79	9/1/80
Work Backlog (fingerprint cards)	162,036	204,010	313,664	564,288
Average Work Processing Time (in workdays)	13.3	14.6	22.5	25.5

The result has been numerous oral and written complaints over the last year, including: The Department of Defense which claimed a loss of \$23 million in 1979 from the delays in clearing contractor employees; the Immigration and Naturalization Service (INS) regarding the problem of obtaining timely clearances for applicants for INS clerical positions; the Bureau of Alcohol, Tobacco and Firearms about delays in processing fingerprint cards relating to firearms registrants; the Administrative Office of the United States Courts and the Probation Office of the U. S. District Court, Central District of California, regarding the problems of not receiving timely notification on probation violators; the Colorado Bureau of Investigation which complained in behalf of "the police and sheriff's of Colorado"; the Georgia Bureau of Investigation, the Savannah Police

department, the Superior Court of the Atlanta Judicial Circuit, and a Fulton County Special Grand Jury, all complaining about slow criminal record service; the Corrections Division, Department of Human Resources, Salem, Oregon, regarding the need for timely information in the handling of parole requests; a member of the New Jersey General Assembly and the New Jersey Division of Gaming Enforcement regarding the need for timely processing of "thousands upon thousands of people" for gambling licenses; the City National Bank, Los Angeles, California, and Westchester Federal Savings, New Rochelle, New York, complaining about delays in obtaining fingerprint checks on bank employees; Members of Congress regarding complaints by constituents, and complaints by private citizens who are delayed in obtaining jobs, visas, and licenses.

Given the impact of the volume of workload, the Identification Division has decided to discontinue the services it provides to some users in order to free up personnel resources so that they can be directed at providing better service to the remaining users. Most of the legislation, regulations, and executive orders under which the Division operates allow no management control or discretion regarding the submission of work to the Division, since their provisions are prefaced by the word "shall." An exception is found in Public Law 92-544, which provides that FBI funds "may" be used to service certain users including state and local employment and licensing agencies. Consequently, the FBI will exercise its management discretion by halting the processing of all fingerprint cards submitted under the authority of Public Law 92-544. This will reduce the Division's workload in 1982 by an anticipated 1,400,000 fingerprint cards and allow the Division to divert the work effort which would have been expended in processing those cards to the work of processing, on a more timely basis, the fingerprint cards and correspondence received from criminal justice and Federal Government agencies. Further, additional work-years are to be allocated to this program, assuming personnel can be recruited for these positions.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Criminal Justice Data and Statistical Services.	196	191 \$4,250	196	191 \$5,290	196	191 \$5,290	---	---

Long-Range Goal: To collect and exchange criminal justice information through the National Crime Information Center (NCIC) and the Uniform Crime Reporting (UCR) Program.

Major Objectives:

To provide the law enforcement community with access to nationwide information on criminal history, wanted persons, and stolen property.

To provide a comprehensive, nationwide compilation of crime-related statistics for use by all levels of government in decision making and formulation of productive crime prevention and reduction programs.

To provide quality control, training, and technical assistance to contributors so as to insure that submitted information is accurate and complete.

To manage the NCIC with the advice of the NCIC Advisory Policy Board and Regional Working Services.

Base Program Description. The NCIC is the only existing nationwide information teleprocessing network which provides documented criminal justice information to the entire criminal justice community. The NCIC Advisory Policy Board, made up of Federal, state, and local criminal justice officials, furnishes advice to the FBI Director on policy matters concerning NCIC operations, thereby allowing the users of the system a voice in the overall management of the system. The resources set forth in this program are those required to maintain user-liaison and manage the system. The NCIC contains records on stolen property (vehicles, license plates, guns, securities, boats, and serialized articles), wanted persons for whom an arrest warrant is outstanding, criminal histories on individuals arrested and fingerprinted for serious or significant offenses, and missing persons meeting specific entry criteria. The NCIC is presently supported by the following FBI Computer Center resources: an MVS 5000 host processor with similar backup; four 2703 transmission control units; and two and one-half 3330 disk banks with five 7830 control units. Those resources are a portion of the centralized resources set forth in the ADP and Telecommunications Program.

A pilot project of the Interstate Identification Index (III) concept has been implemented to test the feasibility of interstate access to computerized criminal history records maintained at the state level but located by reference to a national index. It is anticipated that the implementation of the III concept will develop a viable means for the interstate exchange of criminal history records.

The NCIC also supports the Criminalistics Laboratory Information System (CLIS), which is a laboratory teleprocessing operation designed to improve the efficiency and effectiveness of crime laboratory functions by providing on-line access to scientific reference information in a centralized data base. The FBI Laboratory hosts the data base and NCIC telecommunications lines are used to exchange the information.

The UCR program is responsible for collecting, compiling, and publishing crime data statistics for use by all levels of government. On a monthly basis, crime statistical data are collected from approximately 15,000 law enforcement agencies nationwide. Data collection is based on a Crime Index comprised of the offenses of murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Each contributing agency reports the number of offenses and clearances by Crime Index category. Supplemental reports are also provided by contributors which include detailed information of the nature of the offense, the value of property stolen in each Crime Index classification, the value of loss in arson offenses, and the value of stolen and recovered property by type. Additional data are furnished concerning the age, sex, race, and ethnicity of persons arrested by each agency; specific details concerning law enforcement officers assaulted; and extensive information regarding each murder case. On an annual basis, each agency reports its employee strength and the population in its jurisdiction.

Accomplishments and Workload: Accomplishments of the Criminal Justice Data and Statistics Services Program in 1980 are presented in the following table:

Item	Estimates		
	1979	1980	1981
Estimated NCIC transactions	99,422,931	103,000,000	105,000,000
CCJ Records Established	222,630	245,000	269,000
CCJ Records Updated	169,078	169,000	169,000
CCJ Reports Processed	1,378,200	1,387,000	1,397,000
UCR Newsletters/Bulletins	195,000	196,000	198,000
UCR Publications	20	22	22
UCR training seminars, speeches, meetings, police records, school.	280	289	304
Law enforcement and arson-related conference, meetings, regional UCR conference	25	25	40

The total number of NCIC transactions continues to increase each year, indicating that the NCIC is relied upon more and more to provide information required in the criminal justice decision-making process. The number of Computerized Criminal History (CCH) records established continues to grow, thereby making additional records available to the criminal justice community. The requirement to update records is increasing each year. It should be noted that the productivity of this decision unit will significantly increase in 1982 as a result of the implementation of new in-house computer programs to support CCH data base maintenance functions.

During 1980, the FBI acquired an NAS 5000 host computer to replace the IBM 360/65 and received approval to replace the existing telecommunications control equipment. With the upgrading of the host processor and telecommunications control equipment, NCIC users will no longer be dissuaded from making full utilization of NCIC's capabilities.

This program has provided quality assurance, training, legal, publication, and consultation services to NCIC users. The total number of records in file is 8.5 million with a daily average transaction rate of 273,000. As of November 1, 1980, the following number of records were stored at the national level in NCIC: Wanted persons, 176,561; missing persons, 23,575; stolen and felony vehicles and stolen vehicle parts, 1,137,898; stolen and recovered guns, 1,537,122; other stolen property consisting of 1,410,096 articles; 23,906 boats; 542,944 license plates; and 2,283,023 securities; and 1,660,989 criminal histories.

The UCR Section was reorganized to enhance the quality of its product and to make more efficient and effective use of available resources. Program deficiencies were identified which detracted from the potential of achieving the unit's goals of efficiency, effectiveness, and output of high-quality products. In order to resolve these problems, the reorganization focused attention on UCR activities along functional lines; it emphasized the properly prioritized various UCR Programs and activities; and it insured the maximum utilization of available personnel. This reorganization resulted in a savings of approximately \$15,000.

During 1980, the crime of arson, as mandated by Congress, has been integrated into the Crime Index and is being reported as an Index Crime.

UCR's principal accomplishment resulted in processing and analyzing 180,000 additional crime reports relating to the crime of arson, without increase in manpower resources; however, current data base integrity has been maintained.

A feasibility study for expanded computer support and thorough review and evaluation has been completed with necessary recommendations. The purpose of this evaluation is to improve the effectiveness and efficiency of the program while enhancing its output by emphasizing data analysis and improving public contact.

Comprehensive data regarding crimes and offenders, Federal and local law enforcement officers killed or assaulted, and bombings in the United States for 1978, were published within the year following the end of the reporting period. Quarterly reports regarding crime statistics were published within the quarter following the close of the reporting period during 1979. Preliminary crime statistics for 1979 were published within three months after the close of the year. The FBI's National UCR Program initiated steps to increase arson data collection through cooperative efforts of fire services and the law enforcement community and completed research on necessary data to appropriately identify arson characteristics in quantifying the arson problem.

Activity: Program Direction	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Executive Direction and Control	472	\$18,630	480	\$20,083	480	\$20,083	—	—
Administrative Services	549	\$32,158	549	\$32,158	550	\$33,178	1	\$53
Total	1,021	\$50,788	1,029	\$52,241	1,030	\$53,261	1	\$53

This activity includes the management, administrative support, legal, planning, evaluation, inspection, and financial functions of the FBI.

Activity: Program Direction	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Executive Direction & Control.....	472	\$18,630	480	\$20,083	480	\$20,083	—	—

Long-Range Goal: To provide effective leadership management, direction, and control for the Federal Bureau of Investigation.

Major Objectives:

To provide leadership for the FBI in support of the organization's long-range goal through the promotion of high morale and efficient commitment of human and material resources.

To prepare all required budget submissions and financial data reports related to budget execution in a timely manner.

To provide legal instruction, representation, and counsel to all FBI personnel in order to insure their awareness of legal obligations and limitations, and coordinate their defense in suits against them.

To be responsive to Congressional inquiries and provide appropriate liaison to various Congressional committees.

To carry out audits, inspection, and evaluation of FBI programs to insure their economic value and effective compliance with objectives, applicable laws, and regulations.

To insure the public's understanding of the FBI's obligations, services, and accomplishments for the purpose of intensifying its essential cooperation.

To insure that FBI personnel conduct the organization's activities in a proper and professional manner.

Base Program Description: The Director with the advice and counsel of the FBI's Executive Assistant Directors and members of the Executive Conference sets policy and provides leadership and direction to the organization. The Executive Assistant Directors with the assistance of their respective staffs transmit policy statements, guidelines, and other managerial information down to the Assistant Directors who direct the daily operations of the Headquarters Divisions. The budget and financial management personnel analyze and maintain financial information in order to formulate, present, and execute the FBI's budget in accordance with all applicable Government guidelines and regulations. Legal Counsel objectives are carried out by professional and experienced special agent attorneys with able support from paralegal specialists. Legal counsel informs Bureau personnel of their legal obligations and responsibilities through instruction, research, advice and the publication of articles. Close daily liaison is maintained with the Department of Justice and the Congress, where appropriate, with regard to defense of civil actions, EEO and MSPB matters, as well as representation of FBI concerns and legislative needs. The Congressional Affairs program coordinates responses to legislative inquiries both from the Congress and the Department of Justice and insures that issues and questions raised by the Congress, the Attorney General and other Sections conduct continuous audits, inspections and evaluations on the FBI's investigative and administrative activities and programs to determine if existing policies, procedures and operations meet present and anticipated requirements and whether they are efficiently, economically and effectively performed. Public awareness of FBI responsibilities and accomplishments is enhanced by the Public Affairs, and Correspondence and Tours programs. The personnel in these programs handle liaison with the media and the Department of Justice Public Information Office, prepare press and periodical summaries, articles and statements as well as briefing data for the Director, manage the Crime Resistance Program and coordinate the Bureau-wide Information Program. In addition, the personnel in these programs are responsible for the publication of the Law Enforcement Bulletin, answering mail and conducting public tours at FBI Headquarters.

Accomplishments and Workload: Accomplishments and workload of the Executive Direction and Control program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Budget submissions and hearing material required.....	20	20	20
Budget submissions and hearing material prepared.....	20	20	20
Legal research projects.....	179	159	178
Hours of legal instruction.....	3,000	3,200	3,200
Subpoenas assigned and Title III applications.....	179	251	323
Subpoenas handled and Title III applications processed.....	179	251	323
Civil Litigation, Administrative Claims			
EEO/MSPB and Projects.....	622	831	1,128
Civil Litigation, Administrative Claims			
EEO/MSPB and Project dispositions.....	553	578	578
Body recorder requests received.....	2,177	2,700	2,950
Testimony, legislation, and committee requests received.....	259	293	323
Testimony, legislation, and committee requests completed.....	168	183	213
Investigative and legal liaison matters requested.....	88	88	88
Investigative and legal liaison matters completed.....	40	38	38
			68

Audits pertaining to: Inspections, SAC Changes, FBI Headquarters and Undercover Operations.....	90	80	82	81
Program evaluations, studies, and special projects initiated.....	12	14	14	17
Program evaluations, studies, and special projects completed.....	7	14	16	13
Major press releases and statements and ABC radio scripts.....	105	66	66	66
Press summaries for the Director and ABC radio scripts.....	16,505	15,830	15,830	15,830
Bureau publications disseminated.....	1,365,443	1,379,845	1,724,806	1,724,806
Tour visitors.....	465,435	339,379	479,379	479,379

As is evident from the above data major program policy and implementation goals were met in 1980. Budget submissions were prepared on a timely basis and financial data were responsive to management needs. Quality legal instruction to new agents as well as legal training for special agent attorneys was continued in excess of 100 percent of the 1979 level. It must be noted however, that program objectives were not fully attained in some areas. Civil litigation activity was directed primarily at matters involving court-imposed deadlines; permitting only minimum compliance with regard to assistance to the Department of Justice in defending civil actions with little flexibility to develop needed legal strategy. The greatest strain on manpower continues to be a core group of 20 civil actions which have been in litigation between 3 and 10 years. The Congressional Affairs Program secured the extension of the fiscal year 1979 authorization Bill to allow undercover activities to go on uninterrupted and, as part of that bill, authority to engage in certain types of undercover activities previously prohibited. Additionally FOIPA legislative proposals of the Director were introduced in Congress.

Press conferences and interviews were held with the Director, major press releases and statements were issued, assistance was given to the media in major feature articles and stories. The FBI Law Enforcement Bulletin (LEB) was published for a readership in excess of 300,000. Reprints were processed and readied for distribution, assistance was rendered to numerous authors, extensive fugitive publicity was obtained concerning the "Top Ten Program," numerous substantive speeches were prepared for the Director and other FBI officials, daily assistance was given to domestic and foreign electronic and print news media on inquiries concerning FBI cases. The Director and other FBI officials were advised daily on matters of importance through the daily press summaries and weekly periodical summaries. The Director, other FBI officials, field offices and legal attaché offices were advised of major activities and news concerning the FBI by the weekly press summaries and the Bureau-wide Information Program. Courtyard concerts were held for FBI employees. The Distinguished Lecturer Series was continued. Press releases were prepared on SAC and ASAC appointments. ABC radio scripts were prepared for the Director and appeared in such articles concerning such timely issues as FOIPA and the FBI Charter were prepared for the Director and appeared in such publications as the Georgetown Law Review. FBI training programs and the National Academy continued to receive publicity. An ongoing project has been instituted where significant accomplishments in the FBI history will be synthesized for reference purposes. Support personnel were sent to various schools to enhance their expertise in their special fields.

During fiscal year 1980, the Special Audit Staff conducted 69 financial audits of the FBI field and Headquarters Divisions. Thirty-five of these audits were conducted during inspections and 34 were conducted at field divisions due to routine changes of SACs. These audits resulted in numerous recommendations which have been implemented, improving controls and accountability of FBI financial activity. On each of the above, a report of findings was prepared for the Director of the FBI to insure that he and upper-level management are furnished accurate, current, and pertinent data in order that they may discharge their responsibilities.

1981 Appropriation	Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Administrative Services.....	549	532 \$15,863	549	532 \$17,774	550	533 \$17,827	1	1 \$53

Long-Range Goal: To maintain the FBI as a functional entity by providing a complete range of administrative services.

Major Objectives:

To meet all mandated requirements for the Salary Administration System, Performance Appraisal and Merit Pay Systems, and Position Management functions of the FBI.

To provide a full range of personnel administration services.

To provide all disbursement and procurement services.

To provide graphic and printing services.

To manage all space management operations of the FBI, to include acquisition, management, and release of space.

To provide all health and safety programs as well as operate all employee assistance programs.

To effectively meet personnel needs and to hire on an expanded basis qualified minority and female special agents and support personnel.

To provide an effective equal employment opportunity program.

Base Program Description: The Administrative Services program provides to the FBI on a nationwide basis all administrative services which are ongoing organizational functions vital to the continued operation of the FBI as an entity. These functions are performed under the Personnel Services program, the General Services Support program, and the Systems Support program.

The objectives of the Personnel Services program are accomplished through a central Personnel Section located at FBI Headquarters. Functions within the Personnel Section are categorized and handled within separate units with the front office providing overall direction and control of the various program functions. A computerized Personnel Information System (PINS) is used along with a semi-automated special agent selection system for applicants. A team concept is used for pay and position management matters. The Office of Equal Opportunity Affairs reports directly to the Assistant Director to emphasize the importance and priority of accomplishing the objectives of the program.

The objectives of the General Services Support program are accomplished through: effecting on a timely basis the daily supply, warehousing, and labor services requests; updating, reviewing, coordinating space alterations, occupancy modifications and moves at FBI Headquarters; the use of modern offset equipment in the printing of forms, wanted flyers, and other materials; the expansion of the Security Access Control System at FBI Headquarters; the quarterly review of all SUC levied by GSA; the implementation of the [ay parking system]; the administration of all procurement, contract, and property management for the FBI, as well as the movement of household goods concomitant to transfers; the inventory, issuance and tracking of all special property; and the repair of equipment.

The objectives of the Systems Support program are accomplished through: the processing of vouchers, advancing of funds, preparing and distributing the payroll, processing salary checks, maintaining and distributing cost accounting data, and performing audit functions for leave and pay records; the use of technical personnel to study all functions within the Administrative Services Division in order to devise new systems and procedures for more efficient handling of work; the training and assignment of personnel to improve methods of handling the work; changes in the day-to-day operational procedures to effect greater efficiency.

Accomplishments and Workload: Accomplishment of the Administrative Services decision unit are presented in the following table:

Item	Estimates		
	1979	1980	1981
Vouchers processed.....	233,000	234,000	234,000
Payroll actions reviewed.....	162,000	163,000	163,000
Performance ratings, recognition, and awards matters processed.....	26,000	26,000	26,500
Classification actions.....	2,850	3,000	3,300
EEO complaints investigated.....	20	26	30
Special inquiries and audit matters received.....	2,750	2,850	2,850
Special Agent transfers completed.....	1,233	1,600	1,600
Printing units accomplished.....	56,985,813	50,985,813	50,888,332
Household goods shipments processed.....	776	1,120	1,170
Labor Services performed.....	3,997	4,181	4,373

Additionally, a new Performance Appraisal System and a new Merit Pay System were designated in compliance with the Civil Service Reform Act of 1978.

During Fiscal Year 1980 the Property Procurement and Management Section processed 12,219 requisitions for supplies and/or equipment resulting in 15,604 purchase orders issued. A data base was maintained for approximately 350,000 records and 92,500 transactions were processed against the master file. Unrecorded equipment valued at \$50 million was captured which brings the FBI's undepreciated equipment investment to \$189,000,000. Also a logging system was implemented for all requisitions to enable the Section to determine the location of a requisition at any given time prior to completion.

Program Change: An increase of one position and associated \$33,000 in wages and benefits is requested for the 1982 Personnel Services Program in order that the program will be able to perform some of the required functions imposed upon it by the implementation of the Performance Appraisal System and the Merit Pay System as required by the Civil Service Reform Act of 1978.

An additional \$20,000 is requested for the alteration of space at FBI Headquarters for an expanded polygraph training program. The use of the polygraph in FBI investigations has increased over recent years, and the terms for increased use of the polygraph as an investigative technique is expected to continue. It is imperative to provide adequate training for polygraph examiners in view of increased polygraph use and this expansion will afford a better training facility.

Federal Bureau of Investigation
1982 Funding Request
Priority Ranking of Programs

RANKING

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PROGRAM

Other Field Programs
 White-Collar Crime
 Organized Crime
 Terrorism
 ACP and Telecommunications
 Technical Field Support and Equipment
 Forensic Services - Federal
 Training
 Records Management
 Coordination of Investigations
 Executive Direction and Control
 Administrative Services
 Personal Crimes
 Fugitive
 Legal Attache
 General Law Enforcement Training
 Forensic Services - Non-Federal
 Fingerprint Identification
 Criminal Justice Data and Statistics Services

Federal Bureau of Investigation
1982 Funding Request
Priority Ranking of Increases

RANKING

PROGRAM

1	ADP and Telecommunications
2	Organized Crime
3	Technical Field Support and Equipment
4	Other Field Programs
5	White-Collar Crime
6	Forensic Services - Federal
7	Training
8	Forensic Services - Non-Federal
9	Records Management
10	General Law Enforcement Training
11	Fingerprint Identification
12	Administrative Services

Federal Bureau of Investigation

Salaries and expenses

Summary of Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Recurrent Positions	Work- Years	Amount
1981 as enacted.....	19,306	18,518*	\$629,720
Supplementals requested:			
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$41,603
Savings.....			-2,181
Net pay supplemental.....			39,422
Program supplemental requested of which \$1,120,000 is to be derived by transfer of unobligated balance from Federal Prison System, "Buildings and Facilities".....	...	...	13,687
	...	...	682,829
1981 Appropriation anticipated.....	19,306	18,518	
Adjustments to base and built-in changes:			
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	2,823
Within-grade increases.....	...	7	325
Wage board salary increases.....	...	...	4,447
Health benefits costs.....	...	...	351
Federal Employees' Compensation Act (FECA).....	...	...	1,156
Standard Level User Charges (SLUC).....	...	...	643
GSA recurring reimbursable services.....	...	...	9,854
Federal Telecommunications System (FTS).....	...	...	1,294
Travel Costs - airfare increases.....	...	...	719
Printing Costs for the Federal Register and Code of Federal Regulations.....	...	...	960
General pricing level adjustment.....	...	...	2
Communications rate increases.....	...	...	6,397
Total uncontrollable increases.....	...	...	764
	...	...	29,755

* Adjusted to reflect the effects of the current one-for-two hiring limitation.

Decreases:			
Non-recurring costs for word-processing equipment.....	...	...	-\$510
Non-recurring costs for Intelligence Information System.....	...	...	-400
Non-recurring costs for Automatic Identification.....	...	...	-475
Division (AIDS) developmental effort.....	...	...	-2,497
Proposed reductions below current level.....	-2	...	-3,882
Total decreases.....	14	341	1,734
Other adjustments**.....	19,318	18,866	\$710,436
1982 Base.....			

**Technical adjustments result in the net effect of restoring full-time work-years reduced by the hiring limitation and the allowance of AFP, travel, and other services increases to the 1982 base.

Federal Bureau of Investigation

Salaries and expenses

Adjustments to Base and Built-in Changes
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Perm. Work- years</u>	<u>Amount</u>
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Uncontrollable increases:

1. Annualization of October 1980 pay increase.....
- This provides for the annualization of the October 5, 1980, pay increase contained in Executive Order 12248.

	\$2,823
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2. Annualization of additional positions approved in 1981.....

In fiscal year 1981, there is a lapse of seven work-years and \$271,000 associated with new positions in three activities. These work-years and dollars plus \$27,000, representing related personnel benefits, and \$28,000 for the October 1980 pay increases are requested as uncontrollable increases for fiscal year 1982.

	...	7	325
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3. Within-grade increases.....

Based on within-grade step increases granted in fiscal year 1979 to General Schedule (GS) employees, \$4,447,000 will be required for such increases in fiscal year 1982. This represents approximately one percent of the personnel compensation of GS employees in the fiscal year 1981 request plus 8.8 percent for related personnel benefits. The \$4,447,000 is comprised of \$4,087,000 personnel compensation and \$360,000 personnel benefits.

	4,447
--	-----	-----	-------

4. Wage board salary increases.....

The President's Budget for fiscal year 1981 provided for a 6.2 percent salary increase for white and blue-collar workers. The FBI has employees who are engaged in printing, automotive maintenance, and similar functions, whose salaries are paid in accordance with prevailing wage rates. Based on the salaries of such employees on the rolls on January 31, 1980, the amount required was computed as follows:

	351
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Salaries of employees on rolls January 31, 1980:

\$4,895,426 x .062 = \$303,516
 \$4,895,426 + \$303,516 = \$5,198,942 estimated salaries to use as basis for fiscal year 1982
 salary increases \$5,198,942 x .062 = \$322,334 plus \$28,365, representing 8.8 percent personnel benefits = \$350,699

77

	Perm. Pos.	Perm. Work- Years	Amount
5. Health benefits costs.....	1,156
Effective the first full pay period of 1980, the Government's contribution to the Federal Employees' Health Benefits Program increased by approximately 12 percent. An additional \$1,156,000 is required to cover this increase. The computation of the need is as follows:			
Contributions for pay period ending January 26, 1980.....			\$391,572
Contributions for pay period ending January 12, 1980.....			\$347,263
Increase.....			\$44,309
\$44,309 x 26.1 pay periods = \$1,156,465			
6. Federal Employees' Compensation Act (FECA).....	643
Data from the Department of Labor indicates that the fiscal year 1982 billing for actual costs in fiscal year 1980 of employees' accident compensation will be \$2,385,999. This is an increase of \$643,000 over the \$1,742,999 to be billed in fiscal year 1981.			
7. Standard Level User Charges (SLUC).....	9,854
The fiscal year 1981 request contains \$35,219,000 for payment to the General Services Administration (GSA) for SLUC. Information from GSA indicates that an uncontrollable increase of \$9,854,000 is required for fiscal year 1982. This increase is primarily attributable to a decision of GSA to charge Federal agencies in the District of Columbia space rates commensurate with the prevailing commercial rates.			
8. GSA recurring reimbursable services.....	1,294
In addition to SLUC charges, the GSA charges for services above the level GSA would normally provide. Such services include elevator, guard, air conditioning, and parking. An additional \$1,294,000 is required to insure the same level of services in fiscal year 1982.			

858

Perm.	Perm.	Perm.
Work-	Work-	Work-
Years	Years	Years
Amount	Amount	Amount

9. Federal Telecommunications System (FTS)..... 719

By letter dated June 23, 1980, GSA advised of a new billing concept for the FTS Intercity Program which will require that the Federal Bureau of Investigation budget \$1,763,800 for fiscal year 1982. This will require an uncontrollable increase of \$719,000 for fiscal year 1982.

10. Travel Costs - airfare increases..... 980

The Civil Aeronautics Board advises that increased fuel costs caused a substantial rise in airfares in fiscal year 1979 and that further increases are expected. Department of Labor data indicate that airfares increased 16.4 percent in fiscal year 1979, therefore, a 35 percent increase is requested for fiscal year 1982. Thirty-five percent of the \$3,547,000 available for fiscal year 1981 equals \$1,241,450; however, GSA has indicated that certain rates will decrease due to the use of pair-cities air travel. It is, therefore requested that \$980,000 be granted as an uncontrollable increase.

11. Printing Costs for the Federal Register and Code of Federal Regulations..... 2

The Legislative Branch Appropriations Act, 1978 (Public Law 95-94) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the cost of printing, binding, and distributing the Federal Register and the Code of Federal Regulations. An additional \$2,000 is required for this purpose in fiscal year 1982.

12. General pricing level adjustment..... 6,397

Specific price increases are being shown and requested where feasible. There are, however, areas to which the 9 percent general pricing level adjustment is being applied. These are as follows:

Object Class	Need
Transportation of things.....	\$279,000
Communications, utilities, and other rents.....	1,300,000
Printing and reproduction (Payment to GPO).....	89,000
Other services.....	955,000

79

	Perm. Pos.	Perm. Work- Years	Amount
Supplies and materials.....			1,835,000
Equipment.....			1,909,000
Total.....			<u>\$6,397,000</u>
13. Communications rate increase.....	\$764
Communications costs pertaining to basic commercial telephone services and toll charges continue to increase. In March 1980, AT & T advised of a 10.5 percent increase on interstate telecommunications services to be effective on October 1, 1980. This increase is in addition to tariff increases ranging from 9 to 14 percent which were effective on June 1, 1980. Based on an evaluation of these increases, an uncontrollable increase of \$764,000 is requested for fiscal year 1982.			
Total uncontrollable increases.....	...	7	\$29,755
<u>Decreases (automatic non-policy):</u>			
1. Non-recurring costs for word processing equipment.....	-510
This is based on a reduction of \$510,000 in text-editing rental expenses.			
2. Non-recurring costs for Intelligence Information System.....	-400
The fiscal year 1981 request contains funds for front-end communications equipment and a file processor for the Intelligence Information System (IIS). These items, in the amount of \$100,000 and \$300,000 respectively, are being non-recurred.			
3. Non-recurring costs for Automated Identification Division (AIDS) development effort.....	-475
A fiscal year 1981 supplemental request which is accompanying the fiscal year 1982 budget contains funds to extend an AIDS developmental effort through January 31, 1981. These funds, in the amount of \$475,000, are being non-recurred.			
Total decreases (automatic non-policy).....	-1,385

Perm. Pos.	Perm. Work- years	Amount
-2	...	-2,497

Technical reductions:

1. During the review of the fiscal year 1982 budget submission certain reprogrammings and reductions were made in order to show funded levels more in line with actual amounts being expended. The net result of such actions is a proposed reduction of two positions and \$2,497,000. The programs affected are as follows:

	Perm. Pos.	Work- Years	Budget Auth.
1. General Government Crimes.....	-35	-34	-\$1,188
2. Fugitive.....	-127	-120	-4,966
3. Records Management.....	-10	-8	-286
4. Executive Direction and Control.....	+8	+8	+432
5. Organized Crime.....	+127	+120	+2,735
6. White-Collar Crime.....	+35	+34	+776
Total net effect.....	-2	-	-2,497

Total decreases.....	-2	...	-3,882
Other adjustments.....	14	341	1,734
Total, Adjustments to estimates.....	12	348	\$27,607

Federal Bureau of Investigation

Salaries and expenses

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Organized Crime		White-Collar Crime		Pugitive		Terrorism		Other Field Programs		Coordination of Investigations	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS/GM-14.....
GS/GM-13.....
GS-12.....	39	1,621	...	...
GS-11.....
GS-10.....	-16	-533	-14	-442	...	...	...	...
GS-9.....
GS-7.....
GS-5.....	-9	-301	-7	-220	...	259	...	...
GS-4.....
Total positions and annual rates...	-25	-834	-21	-662	62	1,880	...	...
Lapse (-).....	-2	-45	...	-48
Total work-years and personnel compensation.....
Personal benefits.....	-25	-834	-20	-630	60	1,835	...	-48
Travel and transportation of persons	-95	...	-81	...	182	...	-62
Transportation of things.....	...	562	...	562	...	-17	...	577	...	336	...	-267
Communications, utilities, and other rent.....	-9	...	-8	...	...	...	...
Printing and reproduction.....	-17	...	-15	...	...	...	-127
Other services.....	...	801	...	502	...	-19	...	-24	...	1,955	...	...
Supplies and materials.....	...	60	...	58	...	-126	...	-105	...	155	...	...
Equipment.....
Total work-years and obligations, 1982.....	...	\$1,423	...	\$1,122	-25	-\$1,117	-20	-\$286	60	\$4,467	...	-\$504

Financial Analysis - Program Changes
(Dollars in thousands)

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Federal Bureau of Investigation

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase or Decrease	
	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount
Executive Level II, \$60,662.....	1		1		...	
Executive Level IV, \$52,750.....	1		1		...	
Executive Level V, \$50,112.....	2		2		...	
GS-18, \$50,112.....	20		20		...	
GS-17, \$50,112.....	43		43		...	
GS-16, \$50,112.....	77		77		...	
GS/GM-15, \$44,547 - \$50,112.....	306		306		...	
GS/GM-14, \$37,871 - \$49,229.....	850		856		6	
GS/GM-13, \$32,048 - \$41,660.....	4,410		4,410		...	
GS-12, \$26,951 - \$35,033.....	728		723		...	
GS-11, \$22,486 - \$29,236.....	1,164		1,175		11	
GS-10, \$20,467 - \$26,605.....	1,149		954		-195	
GS-9, \$18,585 - \$23,165.....	625		625		...	
GS-8, \$16,826 - \$21,075.....	350		350		...	
GS-7, \$15,193 - \$19,747.....	1,275		1,345		70	
GS-6, \$13,572 - \$17,776.....	1,424		1,430		6	
GS-5, \$12,266 - \$15,947.....	2,927		3,093		166	
GS-4, \$10,963 - \$14,248.....	1,851		1,896		45	
GS-3, \$9,766 - \$12,700.....	1,815		1,815		...	
Ungraded positions.....	288		294		6	
Total, appropriated positions.....	19,306	\$425,780	19,421	\$432,551	115	\$6,771
Pay above stated annual rates.....	...	1,663	...	1,663	...	...
Lapses.....	-1,002	-12,806	-600	-6,758	402	6,048
Savings due to lower pay scales for part of year.....	...	-404	...	...	...	404
Net permanent.....	18,304	414,233	18,821	\$427,456	517	13,223

Federal Bureau of Investigation

Salaries and expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase or Decrease	
	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount
11.1 Permanent positions.....	18,304	\$414,233	18,821	\$427,456	517	\$13,223
11.3 Positions other than permanent: Other part-time and intermittent employment.....	214	2,458	143	2,474	-71	16
11.5 Other personnel compensation: Overtime.....	407	9,621	...	3,556	-407	-6,065
Administratively uncontrollable overtime.....	1,703	39,738	1,703	40,193	...	455
Other compensation.....	35	2,832	35	2,864	...	32
Total, work-years and personnel compensation.....	20,663	468,882	20,702	476,543	39	7,661
12 Personnel benefits.....		55,104		57,323		2,219
21 Travel and transportation of persons.....		14,050		17,999		3,949
22 Transportation of things.....		3,100		3,310		210
23.1 Standard level user charges.....		36,096		46,033		9,937
23.2 Communications, utilities and other rent.....		30,686		37,436		6,750
24 Printing and reproduction.....		1,782		1,943		161
25 Other services.....		22,195		31,971		9,776
26 Supplies and materials.....		22,946		25,727		2,781
31 Equipment.....		27,806		45,101		17,295
41 Insurance claims and indemnities..		112		110		-2
91 Unvouchered.....		70		70		...
Total obligations.....	20,663	\$682,829	20,702	\$743,566	39	\$60,737
Relation of obligation to outlays: Obligated balance, start of year		69,906		74,148		
Obligated balance, end of year..		-74,148		-74,561		
Outlays.....		\$676,387		\$743,153		

Department of Justice
Federal Bureau of Investigation
Status of Construction and Summary of New Facilities Requirements

Project	Sq. Ft.	Budget Request		Construction Fiscal Year	Amount	Total	Status	Expected Completion Date	Estimated Occupancy Date
		Design & Planning Fiscal Year	Amount						
Forensic Science Research and Training Center (*In thousands of dollars)	46,734	78	\$100*	79	\$3,500*	\$4,464*	80% Complete	3/3/81	4/1/81

The FBI's Forensic Science Research and Training Center is being constructed at the FBI Academy, Quantico, Virginia. When complete, this facility will uniquely combine forensic science research with forensic science training and will provide full support to the Nation's law enforcement agencies toward maximizing the use of physical evidence in the successful solution and prosecution of crimes.

On August 2, 1977, President Carter signed Public Law 95-86 approving the budget containing funds for the design and planning. Funds (see amount of \$3,500,000) for construction were provided in subsequent budgets. The design concepts were completed April 30, 1979, and the working drawings finalized on July 30, 1979. Construction began on December 31, 1979, and has remained essentially on schedule. Completion is scheduled for March 3, 1981, and occupancy is scheduled for April 1, 1981.

DEPARTMENT OF JUSTICE
Federal Bureau of Investigation
Salaries and Expenses
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Federal Bureau of Investigation
Salaries and Expenses

1982 Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N11	Salaries and expenses..... (In the appropriation language under the above heading delete "\$8,000,000" and insert in lieu thereof \$5,000,000.)	\$743,566,000	-\$4,553,000	\$739,013,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval.

Federal Bureau of Investigation

Salaries and Expenses

		<u>Summary Sheet</u>		
		<u>(Dollars in thousands)</u>		
	<u>Permanent Positions</u>		<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	19,421		18,964	\$743,566
Proposed amendment.....	...		-8	-4,553
Revised request.....	19,421		18,956	\$739,013

Explanation of Request

This amendment reduces the 1982 request for automatic data processing and telecommunications, which includes communications, capital investment, maintenance, and consulting fees and shifts resources emphasis from two lower priority programs to the Foreign Counterintelligence program. Included is a reduction of \$10,000 which assumes passage of amendments to the Cargo Preference Act allowing shipments of household goods on non-American vessels. There were also eight other than full-time permanent workyears reduced in the Fingerprint Identification program.

This amendment changes the proposed appropriation language to reduce the amount of automated data processing and telecommunications funding that will remain available until September 30, 1983 in recognition of the revised increase in computer resources requested for the F.B.I. in 1982.

Federal Bureau of Investigation

Salaries and Expenses

Summary of Requirements
(Dollars in thousands)

<u>Comparison by Activity</u>	<u>1982 Request</u>			<u>1982 Proposed</u>			<u>1982 Revised</u>		
	<u>Pending</u>	<u>Perm.</u>	<u>Amount</u>	<u>Amendment</u>	<u>Perm.</u>	<u>Amount</u>	<u>Request</u>	<u>Perm.</u>	<u>Amount</u>
	<u>Pos.</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>Pos.</u>	<u>WY</u>
1. Criminal, Security, and Other Investigations...	11,490	11,159	\$450,817	35	30	\$293	11,525	11,189	\$451,110
2. Coordination of Investigations.....	485	475	16,328	...	...	...	485	475	16,328
3. Investigative Support.....	2,671	2,592	144,052	...	...	-3,700	2,671	2,592	140,352
4. State and Local Assistance.....	3,745	3,743	94,459	-35	-38	-1,146	3,710	3,705	93,313
5. Program Direction.....	1,030	995	37,910	...	...	...	1,030	995	37,910
Total Requirements.....	19,421	18,964	743,566	...	-8	-4,553	19,421	18,956	739,013

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

Activity: Criminal, Security and other Investigations	1982 Request		1982 Proposed		1982 Revised	
	Pending Perm. Pos.	WY Amount	Pending Perm. Pos.	WY Amount	Pending Perm. Pos.	WY Amount
Fugitive.....	311	\$14,869	...	-\$10	311	300 \$14,859
Other Field Programs.....	2,858	2,780 105,692	35	30 303	2,893	2,810 105,995
Other.....	8,321	8,079 330,256	...	...	8,321	8,079 330,256
Total, Criminal, Security and other Investigations.....	11,490	11,159 450,817	35	30 293	11,525	11,189 451,110

There is a shift of resources from the lower priority program, Applicant Investigations - Non-Reimbursable to the higher priority program, Foreign Counterintelligence. Included is a reduction of \$10,000 to the fugitive program which assumes passage of amendments to the Cargo Preference Act allowing shipments of household goods on non-American vessels.

Activity: Investigative Support	1982 Request		1982 Proposed		1982 Revised	
	Pending Perm. Pos.	WY Amount	Pending Perm. Pos.	WY Amount	Pending Perm. Pos.	WY Amount
ADP & Telecommunications.....	406	\$51,268	...	-\$3,700	406	394 \$47,568
Other.....	2,265	2,198 92,784	...	...	2,265	2,198 92,784
Total, Investigative Support.....	2,671	2,592 144,052	...	-\$3,700	2,671	2,592 140,352

The reduction in the automatic data processing and telecommunications program will be a delay in computerization for one calendar quarter, which will reduce communications, capital investments, maintenance, and consulting fees.

Activity: State and Local Assistance	1982 Request		1982 Proposed Amendment		1982 Revised Request		
	Perm.	WY Amount	Perm.	WY Amount	Perm.	WY Amount	
	Pos.		Pos.		Pos.		
General Law Enforcement Training.....	396	\$18,433	-35	-30	361	354	\$17,287
Fingerprint Identification.....	3,031	63,954	...	-8	3,031	3,041	63,954
Other.....	318	12,072	...	...	318	310	12,072
Total, State and Local Assistance.....	3,745	94,459	-35	-38	3,710	3,705	93,313

Resources from the General Law Enforcement Training program to the Foreign Counterintelligence program will be utilized in support of ongoing matters previously underfunded. Included in this budget activity is a reduction of eight other than full-time permanent work-years in the Fingerprint Identification program.

Federal Bureau of Investigation

Salaries and Expenses

Financial Analysis
(Dollars in thousands)

Grade and Object Class	1982 Proposed Amendment		Fugitive		Other Field Programs		Investigative Support		State & Local Assistance	
	Pos.	Amount	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.
GS-12.....	22	\$957	...	...	-22	-\$957	...
GS-7.....	13	243	...	...	-13	-243	...
Total positions and annual rates.....	35	1,200	...	...	-35	-1,200	...
Lapse.....	...	-\$826	...	-5	-994	...	...	5	168	...
Full-time equivalent employment and related permanent compensation.....	...	-826	...	30	206	...	...	-30	-1,032	...
Personnel benefits.....	...	-88	...	...	26	...	...	...	-114	...
Travel and transportation of persons.....	...	53	...	...	53	...	...	...	...	...
Transportation of things.....	...	-10	-10	...	...	...	...	...	...	...
Communications, utilities, and other rent.....	...	-680	...	...	...	...	...	...	...	...
Printing and reproduction.....	...	3	...	...	3	...	-680	...	...	...
Other services.....	...	-866	...	...	...	...	-866	...	...	...
Supplies and materials.....	...	15	...	...	15	...	...	...	...	...
Equipment.....	...	-2,154	...	...	...	...	-2,154	...	...	...
Total full-time workyears and obligations, 1982.....	...	-4,553	-10	30	303	...	-3,700	-30	-1,146	...

Department of Justice
Federal Bureau of Investigation
Salaries and Expenses

Program and Financing (in thousands of dollars)

15-0200-0-1-751		1982 Request	1982 Proposed	1982
		Pending	Amendment	Request
<u>Program by activities:</u>				
Direct Program:				
1. Criminal, Security, and Other Investigations.....	450,817	293	451,110	
2. Coordination of Investigations	16,328	...	16,328	
3. Investigative Support.....	144,052	-3,700	140,352	
4. State and local assistance..	94,459	-1,146	93,313	
5. Program direction.....	37,910	...	37,910	
Total direct program.....	743,566	-4,553	739,013	
Reimbursable Program:				
1. Criminal, Security, and Other Investigations.....	4,862	...	4,862	
2. Investigative Support.....	875	...	875	
3. State and local assistance..	390	...	390	
Total reimbursable program..	6,127	...	6,127	
Total program costs, funded obligations.....	749,693	-4,553	745,140	
<u>Financing:</u>				
Offsetting collections from:				
11.00 Federal funds.....	-5,252	...	-5,252	
14.00 Non-Federal sources.....	-875	...	-875	
40.00 Budget authority (appropriation)	743,566	-4,553	739,013	

Salaries and Expenses - Continued

Program and Financing (in thousands of dollars) - Continued			
Identification code	1982 Request	1982 Proposed Amendment	1982 Revised Request
15-0200-Q-1-751			
Relation of obligations to outlays:			
71.00 Obligations incurred, net....	743,566	-4,553	739,013
72.40 Obligated balance, start of year.....	73,870	...	73,870
74.40 Obligated balance, end of year.....	-74,561	100	735,702
90.00 Outlays, excluding payraise supplemental.....	740,155	-4,453	735,702
91.20 Outlays, from civilian payraise supplemental.....	2,720	...	2,720

Department of Justice
Federal Bureau of Investigation
Salaries and Expenses

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	1982 Request <u>Pending</u>	1982 Proposed <u>Amendment</u>	1982 Revised <u>Request</u>
15-0200-0-1-751			
Personnel compensation:			
11.1 Permanent positions.....	427,456	-1,039	426,417
11.3 Positions other than permanent.....	2,474	...	2,474
11.5 Other personnel compensation.....	46,613	213.	46,826
Total personnel compensation.....	476,543	-826	475,717
Personnel benefits:			
12.1 Civilian.....	57,323	-88	57,235
21.0 Travel and transportation of persons.....	17,999	53	18,052
22.0 Transportation of things.....	3,310	-10	3,300
23.1 Standard level user charges.....	46,033	...	46,033
23.2 Communications, utilities and other rent.....	37,436	-680	36,756
24.0 Printing and reproduction.....	1,943	3	1,946
25.0 Other services.....	31,971	-866	31,105
26.0 Supplies and materials.....	25,727	15	25,742
31.0 Equipment.....	45,101	-2,154	42,947
42.0 Insurance claims and indemnities.....	110	110	110
91.0 Unvouchered.....	70	...	70
99.0 Subtotal, direct obligations	743,566	-4,553	739,013
Reimbursable obligations	6,127	----	6,127
99.0 Total obligations	749,693	-4,553	745,140

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

PERSONNEL SUMMARY			
Identification code	1982 Request	1982 Proposed	1982 Revised
15-0200-0-1-751	<u>Pending</u>	<u>Amendment</u>	<u>Request</u>
Direct:			
Total number of full-time permanent positions.....	19,421	...	19,421
Total compensable workyears:			
Full-time equivalent employment..	18,964	-8	18,956
Full-time equivalent of overtime and holiday hours.....	1,738	...	1,738
Average GS grade.....	8.49	...	8.49
Average GS salary.....	\$22,218	...	\$22,218
Average salary of ungraded positions	\$20,652	...	\$20,652
Reimbursable:			
Total number of permanent positions	175	...	175
Total compensable workyears:			
Full-time equivalent employment..	135	...	135
Average GS grade.....	9.17	...	9.17
Average GS salary.....	\$23,408	...	\$23,408

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Executive Level II.....			
Executive Level IV.....	1	...	1
Executive Level V.....	2	...	2
GS-18.....	20	...	20
GS-17.....	43	...	43
GS-16.....	77	...	77
GS/GM.....	306	...	306
GS/GM.....	856	...	856
GS/GM.....	4,410	...	4,410
GS-12.....	728	...	728
GS-11.....	1,175	...	1,175
GS-10.....	954	...	954
GS-9.....	625	...	625
GS-8.....	350	...	350
GS-7.....	1,345	...	1,345
GS-6.....	1,430	...	1,430
GS-5.....	3,093	...	3,093
GS-4.....	1,896	...	1,896
GS-3.....	1,815	...	1,815
Ungraded	294	...	294
Total permanent positions.....	19,421	...	19,421
Unfilled positions, Sept. 30.....	-600	-8	-608
Total permanent employment end of year.....	18,821	-8	18,813

Mr. SMITH. This morning we have the Director, William Webster. You may introduce those with you.

GENERAL STATEMENT

Mr. WEBSTER. Thank you, Mr. Chairman. I have Mr. Clyde Groover, Inspector-Deputy Assistant Director, Financial Management Branch, Administrative Services Division, at the table with me, and others include Executive Assistant Directors Francis Mullen and Lee Colwell, and you are acquainted with the Assistant Attorney General for Administration, Kevin Rooney and others who may be able to supply more technical questions as they occur.

Mr. Chairman, I have a full statement which I would like to present for the record and, if I may, I will deliver an abbreviated statement for you.

Mr. SMITH. That is fine.

[Mr. Webster's prepared statement follows:]

FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF THE DIRECTOR
WILLIAM H. WEBSTER

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I WELCOME THIS OPPORTUNITY TO APPEAR BEFORE YOU IN SUPPORT OF THE FBI'S 1982 APPROPRIATION REQUEST. I WILL SUPPLY CHARTS AND NARRATIVE MATERIAL WITH MY STATEMENT TO AID IN YOUR ANALYSIS AND UNDERSTANDING OF THIS REQUEST.

THE APPROPRIATION REQUEST FOR FISCAL YEAR 1982 IS \$739,013,000. THIS SUBMISSION IS \$56,730,000, OR A LITTLE MORE THAN EIGHT PERCENT, OVER THE AMOUNT REQUIRED FOR FISCAL YEAR 1981. THERE ARE NET PROGRAM INCREASES OF \$28,577,000, UNCONTROLLABLE COST INCREASES OF \$30,301,000, OTHER ADJUSTMENTS AMOUNTING TO \$1,734,000 AND NON-RECURRING COST DECREASES OF \$3,882,000. IT WILL PROVIDE FOR 19,421 POSITIONS AND 18,956 WORK-YEARS, OR 115 POSITIONS AND 444 WORK-YEARS ABOVE THE ADJUSTED TOTALS FOR 1981. THIS INVOLVES AN INCREASE OF 56 SPECIAL AGENT WORK-YEARS AND 388 SUPPORT EMPLOYEE WORK-YEARS. INCLUDED IN THIS INCREASE IS THE RESTORATION OF 407 SUPPORT WORK-YEARS WHICH, DUE TO THE EFFECTS OF THE HIRING FREEZE, HAVE BEEN CUT FROM THE FINGERPRINT IDENTIFICATION AND RECORDS MANAGEMENT PROGRAMS IN FISCAL YEAR 1981. THE FOLLOWING EXHIBITS DEPICT THE FUNDING REQUESTED FOR FISCAL YEAR 1982 AND COMPARISONS OF THIS REQUEST WITH THOSE OF PREVIOUS YEARS:

COMPARISON: FUNDS AND PERSONNEL REQUIRED
FISCAL YEAR 1981 VS. 1982

	<u>FISCAL YEAR 1981</u>	<u>FISCAL YEAR 1982</u>	<u>INCREASE (+) DECREASE (-)</u>
PERSONNEL (FULL-YEAR EMPLOYEES):			
FBI Headquarters:			
Special Agents ...	757	786	(+)
Support Personnel	6,300	6,670	(+)
Total (FBIHQ) ...	<u>7,057</u>	<u>7,456</u>	(+)
Field:			
Special Agents ...	7,074	7,101	(+)
Support Personnel	4,381	4,399	(+)
Total (Field) ...	<u>11,455</u>	<u>11,500</u>	(+)
Total:			
Special Agents ...	7,831	7,887	(+)
Support Personnel	10,681	11,069	(+)
Total (FBIHQ) and Field)	<u>18,512</u>	<u>18,956</u>	(+)
FUNDS:			
PERSONNEL COMPENSATION	\$468,882,000	\$475,717,000	(+)
OTHER EXPENSES:			
Personnel Benefits	\$ 55,104,000	\$ 57,235,000	(+)
Travel and Transportation of Persons	14,050,000	18,052,000	(+)
Transportation of Things	3,100,000	3,300,000	(+)
Standard Level User Charges (SLUC)....	36,096,000	46,033,000	(+)
Communications, Utilities, and other Rent.....	30,686,000	36,756,000	(+)
Printing and Reproduction	1,782,000	1,946,000	(+)
Other Services	22,149,000	31,105,000	(+)
Supplies and Materials	22,946,000	25,742,000	(+)
Equipment	27,306,000	42,947,000	(+)
Insurance Claims and Indemnities ..	112,000	110,000	(-)
Unvouchered	<u>70,000</u>	<u>70,000</u>	---
SUBTOTAL, OTHER EXPENSES.....	<u>\$213,401,000</u>	<u>\$263,296,000</u>	(+)
TOTAL, ALL EXPENSES.	<u>\$682,283,000</u>	<u>\$739,013,000</u>	(+)

SUMMARY OF CHANGES, FISCAL YEAR 1982

Uncontrollable increases:

1. Annualization of 1981 pay increase-----	\$3,369,000
2. Annualization of positions approved in 1981-----	325,000
3. Within-grade step increases-----	4,447,000
4. Wage-board salary increases-----	351,000
5. Health benefits costs-----	1,156,000
6. Federal Employees' Compensation Act (FECA)-----	643,000
7. Standard Level User Charges (SLUC)-----	9,854,000
8. General Services Administration (GSA) recurring reimbursable service-----	1,294,000
9. Federal Telecommunications System (FTS)-----	719,000
10. Travel costs -- airfare increases-----	980,000
11. Printing Costs for the Federal Register and Code of Regulations-----	2,000
12. General pricing level adjustments-----	6,397,000
13. Communications rate increase-----	764,000
Total uncontrollable increases-----	<u>\$30,301,000</u>

Decreases (automatic non-policy):

1. Non-recurring costs for word-processing equipment-----	-\$510,000
2. Non-recurring costs for Intelligence Information System-----	-400,000
3. Non-recurring costs for Automated Identification Division (AIDS) developmental effort-----	-475,000
4. Proposed reductions below current level-----	<u>-2,497,000</u>
Total decreases (automatic non-policy)----	<u>-\$3,882,000</u>

Program changes (decision unit):

1. Organized crime-----	\$ 1,423,000
2. White-collar crime-----	1,122,000
3. Fugitive-----	-1,127,000
4. Terrorism-----	-286,000
5. Other field programs-----	4,770,000
6. Coordination of investigations-----	-504,000
7. Training-----	1,363,000
8. Forensic services - Federal-----	2,644,000
9. ADP and telecommunications-----	9,012,000
10. Records Management-----	982,000
11. Technical field support and equipment-----	6,835,000
12. General law enforcement training-----	624,000
13. Forensic services - non-Federal-----	391,000
14. Fingerprint identification-----	1,275,000
15. Administrative Services-----	53,000
Total program changes-----	<u>\$28,577,000</u>

Other adjustments-----	<u>\$ 1,734,000</u>
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Overview:

Total uncontrollable increases-----	\$30,301,000
Total decreases (automatic non-policy)-----	- 3,882,000
Total program changes-----	28,577,000
Other adjustments-----	<u>1,734,000</u>

Overall increase for 1982-----	<u>\$56,730,000</u>
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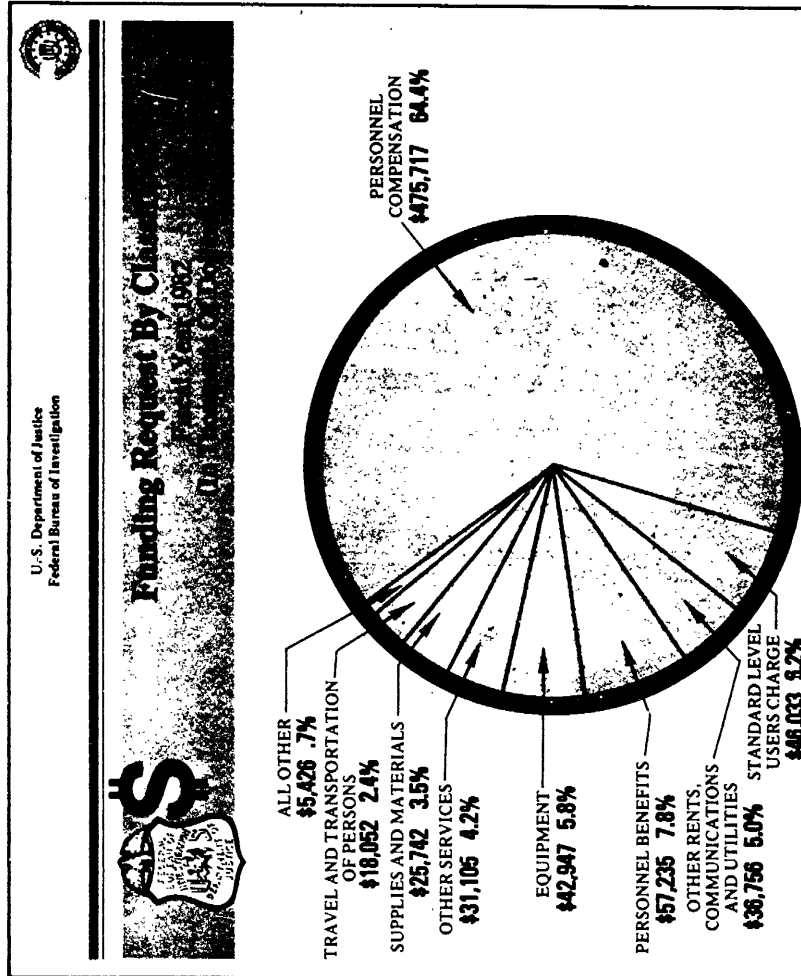


Exhibit No. 3

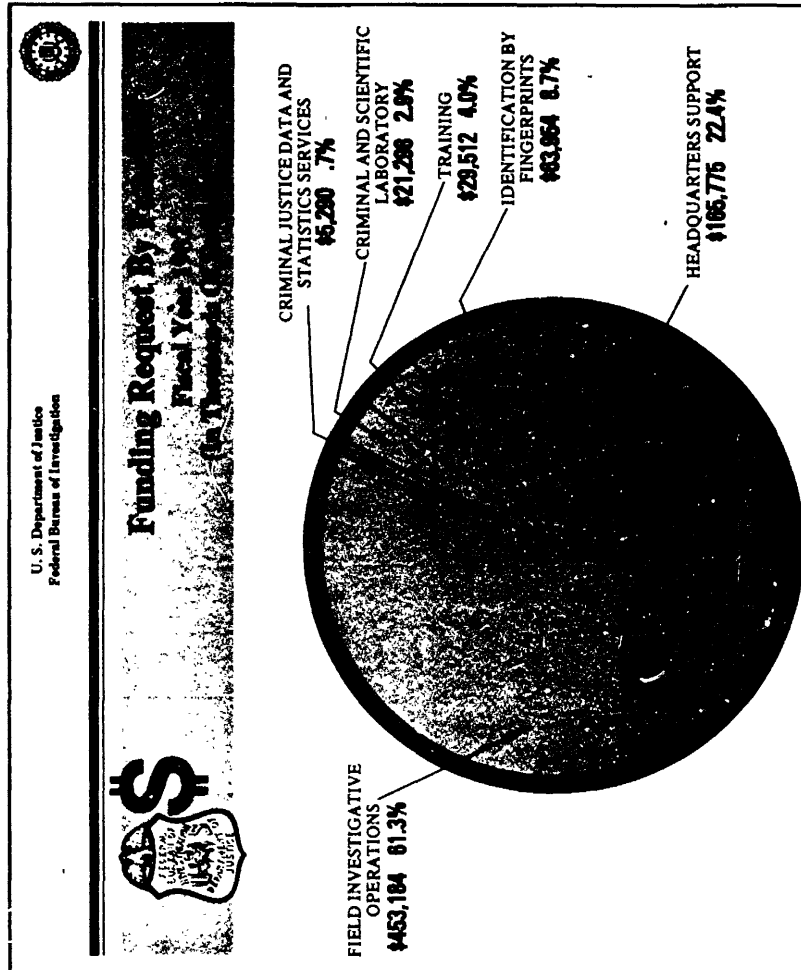


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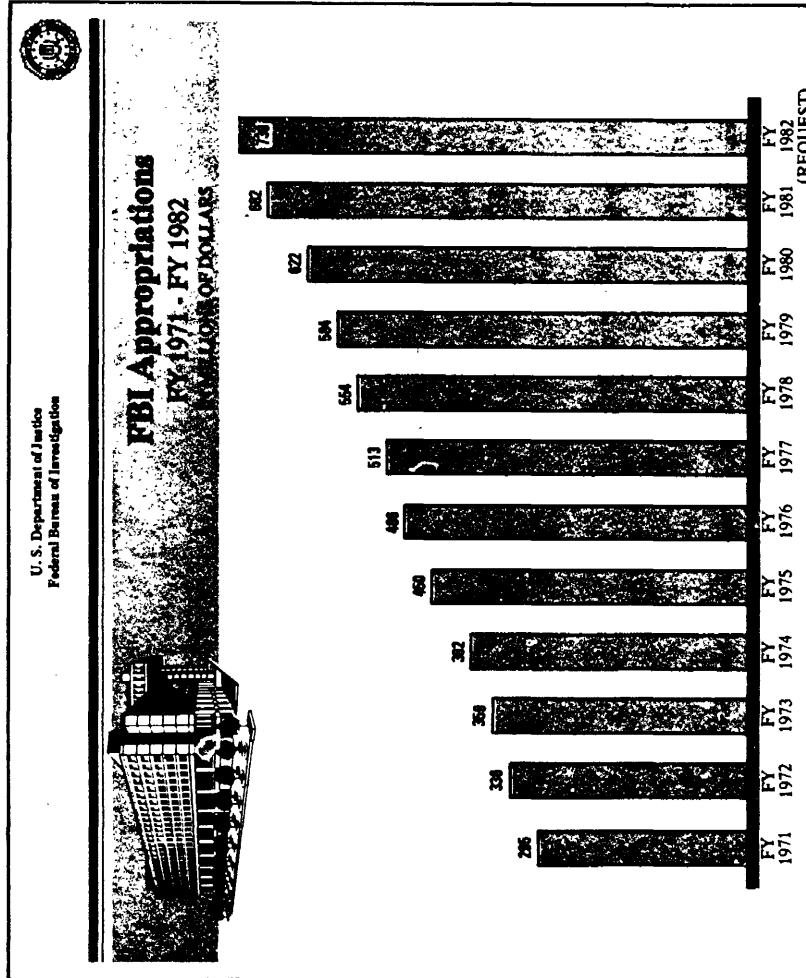


Exhibit No. 5



U. S. Department of Justice
Federal Bureau of Investigation



Exhibit No. 6

INVESTIGATIVE PROGRAMS

THE FBI'S PRINCIPAL BUDGET ACTIVITY, CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS, IS DIVIDED INTO EIGHT GENERAL FIELD PROGRAM AREAS. THESE AREAS AND THE FISCAL YEAR 1980 UTILIZATION OF AGENT WORK-YEARS THEREIN ARE SHOWN IN THE FOLLOWING EXHIBIT:

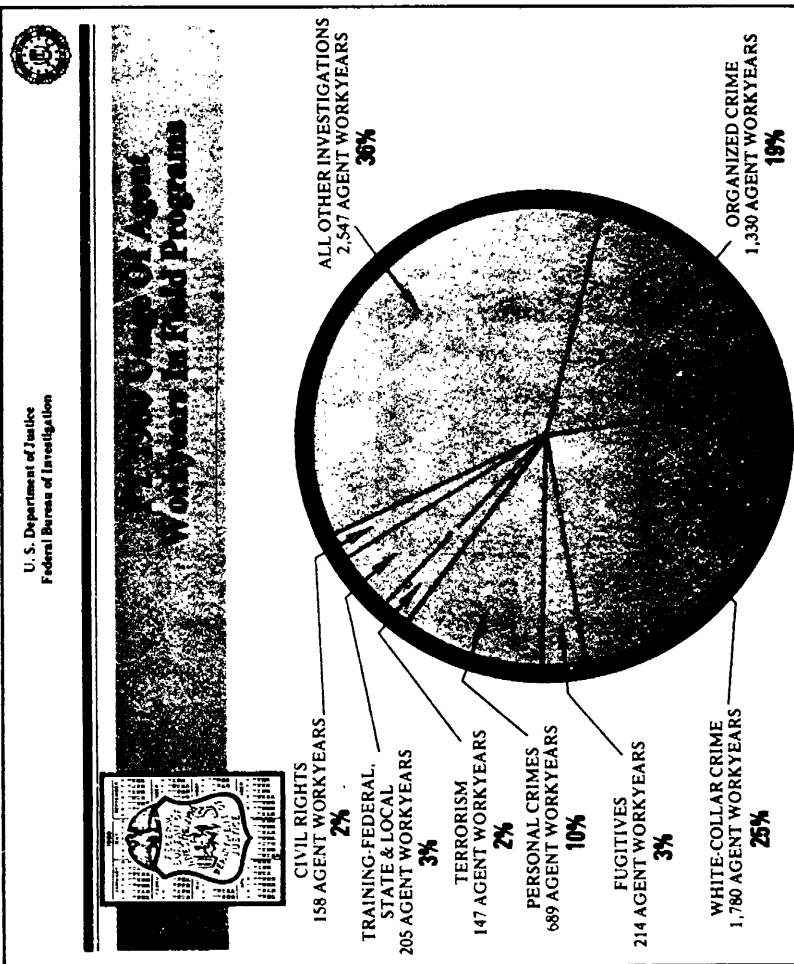


Exhibit No. 7

EQUAL EMPLOYMENT OPPORTUNITY WITHIN THE FBI

WHEN I BECAME DIRECTOR OF THE FBI I MADE A PERSONAL COMMITMENT TO CONTINUE THE EFFORTS TO INCREASE THE REPRESENTATION OF MINORITIES AND WOMEN IN THE BUREAU, WITH PARTICULAR REGARD TO THE SPECIAL AGENT POSITION. IN THE THREE YEARS SINCE I WAS APPOINTED, A SIGNIFICANT NUMBER OF MINORITY AND FEMALE SPECIAL AGENTS HAVE BEEN SELECTED FOR NEW AGENTS' TRAINING, ALL OF WHOM MEET OUR STANDARD QUALIFICATIONS. THIS IS BEING ACCOMPLISHED BY TARGETING RECRUITMENT EFFORTS AT ALL LOGICAL SOURCES. FOLLOWING IS AN EXHIBIT WHICH CONTAINS INFORMATION ON OUR EQUAL EMPLOYMENT OPPORTUNITY ACCOMPLISHMENTS:

RECRUITMENT OF MINORITIES AND WOMENMinority and Women Special Agents as of 2/28/81

	<u>Field</u>	<u>FBIHQ</u>	<u>Total</u>	<u>Since 2/28/78</u> <u>Gain or</u> <u>Loss</u>	<u>Percentage</u> <u>Increase</u>
Black	217	21	238	+94	65.3%
Hispanic	233	10	243	+88	56.8%
American Indian	23	0	23	+8	53.3%
Asian American	47	5	52	+18	52.9%
Women	343	6	349	+255	271.3%

Percentage of Minority and Women Special Agents as of 2/28/81

<u>Group</u>	<u>Number</u> <u>of</u> <u>Males</u>	<u>Percent</u> <u>of</u> <u>Total</u>	<u>Number</u> <u>of</u> <u>Females</u>	<u>Percent</u> <u>of</u> <u>Total</u>	<u>Total</u> <u>by</u> <u>Group</u>	<u>Percent</u> <u>of</u> <u>Total</u>
White	6,893	93.0	315	90.3	7,208	92.8
Black	219	2.9	19	5.4	238	3.1
Hispanic	232	3.1	11	3.1	243	3.1
American Indian	21	.3	2	.6	23	.3
Asian American	50	.7	2	.6	52	.7
TOTAL	7,415	100.0	349	100.0	7,764	100.0
All Minorities	522	7.0%	34	9.7%	556	7.2%

Percentage of Minority and Women Support Personnel

	<u>Total</u>	<u>Percent</u>
Support Personnel	11,049	100.0
Male	3,351	30.3
Female	7,698	69.7
Black	3,302	29.9
Hispanic	242	2.2
American Indian	18	.2
Asian American	108	1.0
All Minority	3,670	33.3

Exhibit No. 8

ORGANIZATION OF THE FBI

THE FBI IS A FIELD-ORIENTED ORGANIZATION IN WHICH TEN DIVISIONS AT FBI HEADQUARTERS PROVIDE PROGRAM DIRECTION, SUPPORT SERVICES, AND COORDINATION TO 59 FIELD OFFICES, 426 RESIDENT AGENCIES, AND 12 FOREIGN LIAISON POSTS. EACH FIELD OFFICE HAS AN AGENT IN CHARGE, WHO IS RESPONSIBLE FOR DEPLOYMENT OF PERSONNEL SO AS TO HANDLE EFFECTIVELY ALL FBI MATTERS WITHIN ITS GEOGRAPHICAL TERRITORY. AGENTS AT OUR LIAISON POSTS ABROAD ACT AS A LIAISON IN CONNECTION WITH CRIMINAL AND SECURITY MATTERS WITHIN THE FBI'S JURISDICTION. OF THE TOTAL AMOUNT REQUESTED BY THE FBI FOR 1982, 61.3 PERCENT, OR \$453,184,000, IS FOR FIELD INVESTIGATIVE OPERATIONS. THIS DOES NOT INCLUDE HEADQUARTERS SUPPORT WHICH CONTAINS ADP OPERATIONS, INVESTIGATIVE DIRECTION AND TECHNICAL FIELD SUPPORT AND EQUIPMENT FUNDING, ALL OF WHICH SUPPORT BOTH FIELD AND HEADQUARTERS ACTIVITIES. THERE ARE INCREASES IN THE FIELD FOR OUR TOP THREE PRIORITY PROGRAMS, WHITE- COLLAR CRIME, ORGANIZED CRIME AND FOREIGN COUNTERINTELLIGENCE. EXHIBITS FOLLOW THAT SHOW THE ORGANIZATION OF FBI HEADQUARTERS, THE LOCATION OF FIELD OFFICES AND FOREIGN LIAISON POSTS, AND ADDITIONAL INFORMATION CONCERNING PERSONNEL ASSIGNED TO THE FOREIGN POSTS:



U. S. Department of Justice
Federal Bureau of Investigation

Organization Of The FBI

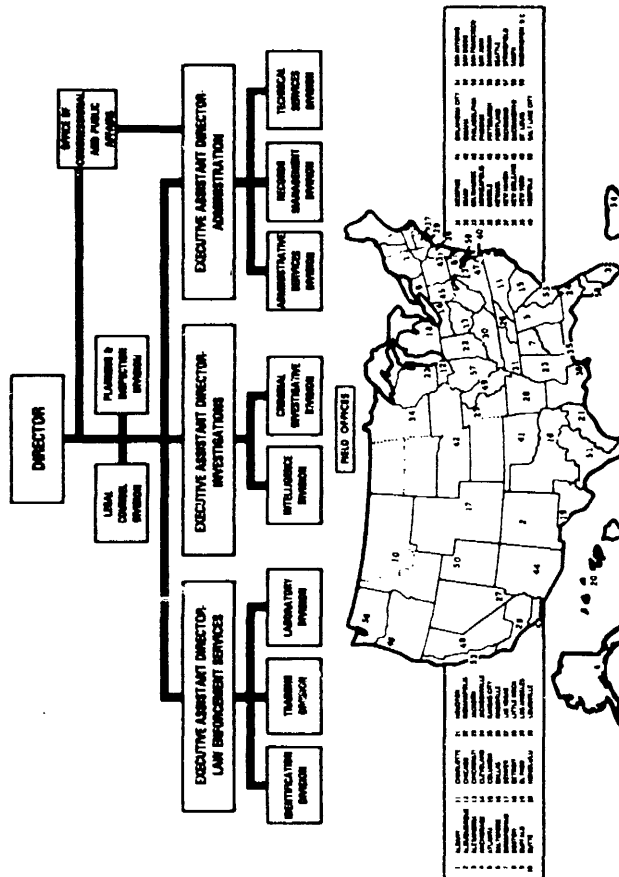


Exhibit No. 9

FOREIGN LIAISONLEGAL ATTACHES

This program is designed to provide a continuing and prompt exchange of information and assistance with foreign law enforcement and security agencies in order to insure that the responsibilities of the FBI in the applicant, criminal, domestic security, foreign counterintelligence, and international terrorist fields are met. By way of reciprocation, the FBI will assist cooperative foreign agencies with their legitimate and lawful investigative interests in the United States.

For over 35 years the FBI has maintained posts abroad known as legal attache offices. There are currently 12 such posts covering more than 80 countries, enabling the 59 field offices and FBI Headquarters to receive a constant and prompt exchange of criminal and security type information. They develop and maintain close liaison with relevant and duly authorized law enforcement and security/intelligence agencies of the countries covered to insure that the domestic responsibilities of the FBI are met in a timely and professional manner.

The program provides the liaison necessary in order to locate and/or effect the return of United States fugitives; locate and return stolen property, including vehicles, heavy equipment, airplanes, and art objects; and to enable the FBI to fulfill its statutorily mandated responsibilities in the applicant, criminal, foreign counterintelligence, and domestic and international terrorism fields.

Prior to posting FBI personnel in foreign countries, the concurrence of the United States Ambassador and the Foreign Ministry of the host government must be obtained. The State Department provides office space and other administrative support for the program on a reimbursable basis.

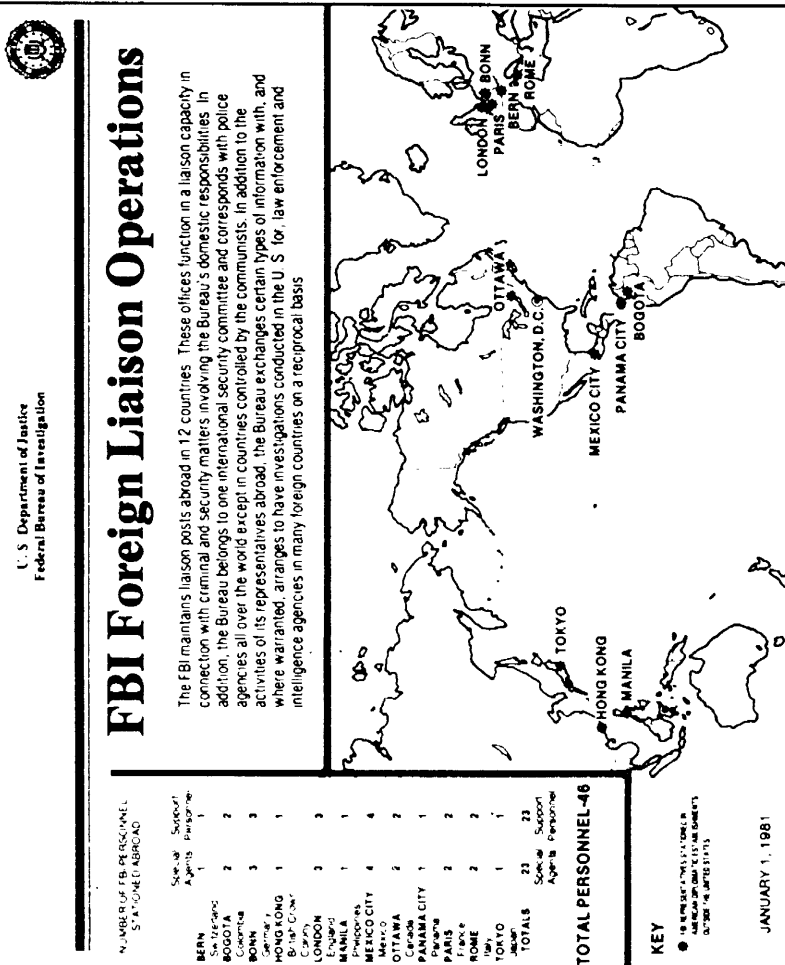
Budgetary and other constraints in 1980 resulted in the closing of the Buenos Aires post. This affected the ability of the FBI to maintain vital and timely personal liaison with foreign law enforcement agencies in that area. The current funding level will enable the FBI to open a new legal attache post in Montevideo, bringing the total number of posts to 13 in 1982.

One of the more significant recent achievements within the Legal Attache program involved the arrest of an armed robber who stole \$3.5 million in jewelry in London. Through close coordination and prompt exchange of information with British officials in London, Legal Attache, London was instrumental in locating the robber in the United States.

Exhibit No. 10

Another case of great intelligence value involved the efforts of the legal attaches in Europe who obtained information from a Western European country identifying an illegal agent who moved to the United States. He was subsequently arrested on a business trip to Europe and admitted to the Legal Attache that he was an officer in a hostile intelligence service.

It is apparent that with criminals and intelligence officers alike their targets are international in scope and that worldwide communication facilities are used regularly in the furtherance of criminal and intelligence activities. Through effective liaison, it has been possible to interdict some of these activities and prosecute many cases thought by violators to be protected by international boundaries.



ORGANIZED CRIME

ONE OF THE FBI'S TOP PRIORITIES IS THE INVESTIGATION OF ORGANIZED CRIME. IN 1982, EFFORTS IN THIS AREA WILL REQUIRE \$83,832,000 AND 2,107 POSITIONS, REPRESENTING A PROGRAM INCREASE OF \$1,423,000. THESE FUNDS WILL ENHANCE FBI UNDERCOVER OPERATIONS, ORGANIZED CRIME INFORMANTS AND AIRCRAFT SURVEILLANCE.

DURING THE PAST FISCAL YEAR, 19 PERCENT OF THE FIELD AGENT TIME WAS SPENT ON ORGANIZED CRIME INVESTIGATIONS.

WHITE-COLLAR CRIME

WHITE-COLLAR CRIME INVESTIGATIONS CONSTITUTE ANOTHER TOP PRIORITY OF THE FBI. AS IN ORGANIZED CRIME, WHITE-COLLAR CRIME SOMETIMES INVOLVES PUBLIC CORRUPTION. A TOTAL OF \$114,896,000 AND 2,992 POSITIONS WILL BE NEEDED FOR WHITE-COLLAR CRIME IN FISCAL YEAR 1982. THIS REPRESENTS AN INCREASE OF \$1,122,000 OVER THE PREVIOUS YEAR, AND WILL RESULT IN MORE EXTENSIVE USE OF UNDERCOVER ACTIVITIES AND AIRCRAFT SURVEILLANCE. DURING FISCAL YEAR 1980, THE FBI EXPENDED 25 PERCENT OF ITS FIELD AGENT WORK-YEARS ON WHITE-COLLAR CRIME INVESTIGATIONS. ORGANIZED CRIME AND WHITE-COLLAR CRIME MATTERS ARE DISCUSSED IN THE FOLLOWING EXHIBITS:

ORGANIZED CRIME INVESTIGATIONS

An organized crime investigation is targeted against a member or members of an organized crime group involving violation of Federal statutes(s) specifically aimed at racketeering activities. For the purpose of managing these investigations, an organized crime group is defined as any group having some manner of formalized structure whose primary objective is to obtain money through illegal activities and maintains its position through the use of violence or threat of violence, corrupt public officials, graft and extortion, and has a significant adverse impact on the people in its locale or region, or the country as a whole. The thrust of the organized crime program is targeted against individuals comprising the major organized crime groups across the country.

An increase in funding for this program for fiscal year 1982 will provide for an imaginative, responsive, and effective investigative approach directed against the organized criminal element at a sustained level. The increase will provide for expanded coverage of already existing programs and permit continued penetration into areas deserving additional investigative attention based on program review. Among those targeted for expansion are hoodlum infiltration of legitimate business; labor racketeering; corruption; arson-for-profit; loansharking; and pornographic operations which are national in scope, involve major organized crime figures, or which deal in the use of children. The increase in funding will also permit the FBI to continue to utilize resources in support of joint FBI/Drug Enforcement Administration special (informal) task forces where utilization of these task forces best serve the interest of the Department of Justice. Additionally, the increase will enable the FBI to expand its assistance to local, state, and other Federal agencies engaged in the fight against illegal narcotics and drugs. This will be accomplished through the development and dissemination of narcotics information stemming from organized crime activities being investigated by the FBI.

Implementation of a system to enhance organized crime intelligence-gathering capabilities has begun through the use of a computerized data processing network known as the Organized Crime Information System (OCIS). The primary objective of the system is to improve the FBI's ability to collect, analyze, and use investigative data in furtherance of the successful prosecution of organized crime subjects. Increased funding dedicated to the organized crime program will enable implementation of this system at additional field divisions during fiscal year 1982 and provide for resources in support of personnel to operate this system.

In addition to maintaining active investigative programs targeted at traditional racketeering activities of gambling, corruption, and loansharking, the FBI has continued with a number of programs from the past year, aimed specifically at combating labor-racketeering, hoodlum infiltration of business, arson-for-profit, narcotics trafficking, and major pornography operations. The cumulative goal of these programs is to interdict systematically and progressively the sphere of organized crime influence and to reduce its impact on American society.

Exhibit No. 12

The impact of organized crime

While not inclusive, the following are some of the major areas wherein organized crime impacts on society as a whole:

Corruption undermines the country's civic, judiciary, legislative, and law enforcement bodies, depriving citizens of the protection and the governmental functions to which they are entitled.

Businessmen find themselves in the position of having to compete with gangsters who pour money from their illicit enterprises into legitimate industry and use these untaxed funds to undercut the operations of competitors not enjoying this unfair advantage.

The tax base itself is eroded by significant amounts of dollars being siphoned from the economy without any commensurate return to local, state, or Federal governments.

Gambling and narcotics addicts commit a large amount of street crimes currently plaguing the country as they try to supply the needs of their illegal habits.

Labor-racketeering and cartage thefts drive up insurance rates, increase transportation costs, and add substantially to the prices consumers pay for their merchandise.

The drug problem

At the request of Congress and the White House, particular stress is placed on the need for close cooperation in the field of drug investigations. Although the DEA has primary jurisdiction over narcotics offenses, the FBI is charged with the responsibility of assisting DEA through the exchange of data and other supportive activities. This role is provided in three major areas:

1. The debriefing of FBI sources, subjects, suspects, and informants for drug-related data and the dissemination of this information to the appropriate investigative body.
2. The provision of investigative support, such as joint operations and the apprehension of DEA fugitives.
3. The provision of certain centralized FBI services, such as fingerprint identification, arrest records, laboratory examinations, name checks, and access to the National Crime Information Center (NCIC) on-line files.

The FBI is currently involved with DEA in a number of "joint investigations" throughout the United States which involve not only FBI substantive violations, but also DEA narcotics violations.

The infiltration problem

Hoodlum infiltration of labor unions is one of the top priority areas targeted for investigation by the FBI. The primary objective of this program is to identify the organized criminal and corrupt elements involved in the labor field and to successfully prosecute those individuals connected with racketeering activities. Investigations under this program are targeted at uncovering such activities as payoffs and kickbacks resulting from the awarding of contracts or the conduct of day-to-day union activities; the embezzlement of union funds; instances of extortion; and the mishandling of union loans.

Likewise, hoodlum infiltration of legitimate business is a priority investigative area targeted by the FBI. To date, investigations have revealed allegations that such investments not only provide the hoodlums with "show money" for tax purposes, but also make it possible for those involved to "launder" illegal funds, set up front corporations to cover their criminal operations, and to profitably bankrupt companies when they no longer have any use for them.

In most instances, organized crime's movement into business is done quietly. Seldom do mobsters' names appear on corporate records, and fear of reprisal makes complaining victims scarce. Such conditions require current and accurate intelligence data, which can only be obtained through a network of well-placed informants. The FBI has a program for developing informants, and their information has allowed agents to remain cognizant of organized criminal activity in the business community and thus take appropriate action.

Investigative techniques

The FBI is refining and intensifying its use of a number of highly innovative investigative techniques in the fight against organized crime. Included among these are:

1. Undercover agents and storefront operations designed to ferret out large-scale pornographic operations, narcotics trafficking, infiltration of legitimate business, and extensive labor-racketeering activities.
2. Judicially approved electronic surveillance installations and consensual recording devices (both of which are most effective against loansharking and corruption).
3. The assignment of experienced Special Agent Accountants to the review and analysis of labor union records, records of financial institutions, and records of businesses in which there is probable cause to believe a crime has been committed. (This also embraces expanded use of computers to assist in the correlation and review of document examinations of a voluminous nature).
4. Informants specifically selected and targeted to penetrate the upper echelons of the organized underworld.
5. Miscellaneous techniques, such as aerial surveillance and hypnotism of willing witnesses (particularly helpful in gangland murder cases).

The results

Since the enactment of the first three major organized crime statutes in 1961, numerous organized crime members and associates have been convicted in FBI cases. Included among these individuals were top-ranking traditional organized crime functionaries in New York City and Buffalo, New York; Philadelphia and Pittston, Pennsylvania; Detroit; Chicago; St. Louis; Kansas City; Denver; Los Angeles; in addition to the New Jersey and New England areas. During fiscal year 1980, 597 individuals were convicted as a result of investigative activity targeted against the organized criminal element by the FBI. Of this figure, 41 were either associates or members of the largest organized crime group operating in this country. In addition, \$21,985,001 in fines, savings, and recoveries were attributed to this priority program area.

The increase for Fiscal year 1982 of \$1,423,000 in the Organized Crime Program will provide additional resources for undercover operations relative to high impact undercover activity not previously pursued because of lack of funds. (\$500,000)

This increased allocation will also support maintenance and development of organized crime informants necessary for investigation of organized criminal activity. (\$300,000)

Finally, this funding includes additional resources for aircraft surveillance. As the FBI's investigations become more complex and involve greater numbers of subjects, operations, and locations, effective surveillance is a critical requirement. (\$623,000)

AGENT TIME SPENT BY MAJOR CATEGORY OF ORGANIZED CRIME INVESTIGATIONS: FY 1980

Major Category	Agent Work-Years (Includes Field Supervisors)	Percent (%) of Program	Percent (%) of Total Field Agent Time
Anti-Racketeering	71	5.3%	1.0%
Extortionate Credit Transactions	66	5.0%	.9%
RICO - Traditional Groups	724	54.5%	10.2%
RICO - Non-Traditional Groups	216	16.2%	3.1%
Hobbs Act-Corruption of Public Officials	58	4.4%	.8%
Informants	62	4.6%	.9%
All others	133	10.0%	1.9%
Total Organized Crime Program	1,330	100.0%	18.8%

* For future reference it should be noted that at the outset of FY 1980, several RICO classifications were transferred to the White-Collar Crime, General Property Crimes, and Personal Crimes Programs from Organized Crime. These particular classifications consumed 275 agent work-years during FY 1979, representing 18.5% of the Organized Crime Program. In addition, a new RICO classification was established in the Terrorism Program in FY 1980. To present a more accurate view of the current Organized Crime Program, organized crime informant matters are included in this chart. These matters became a component in the Organized Crime Program starting in FY 1981.

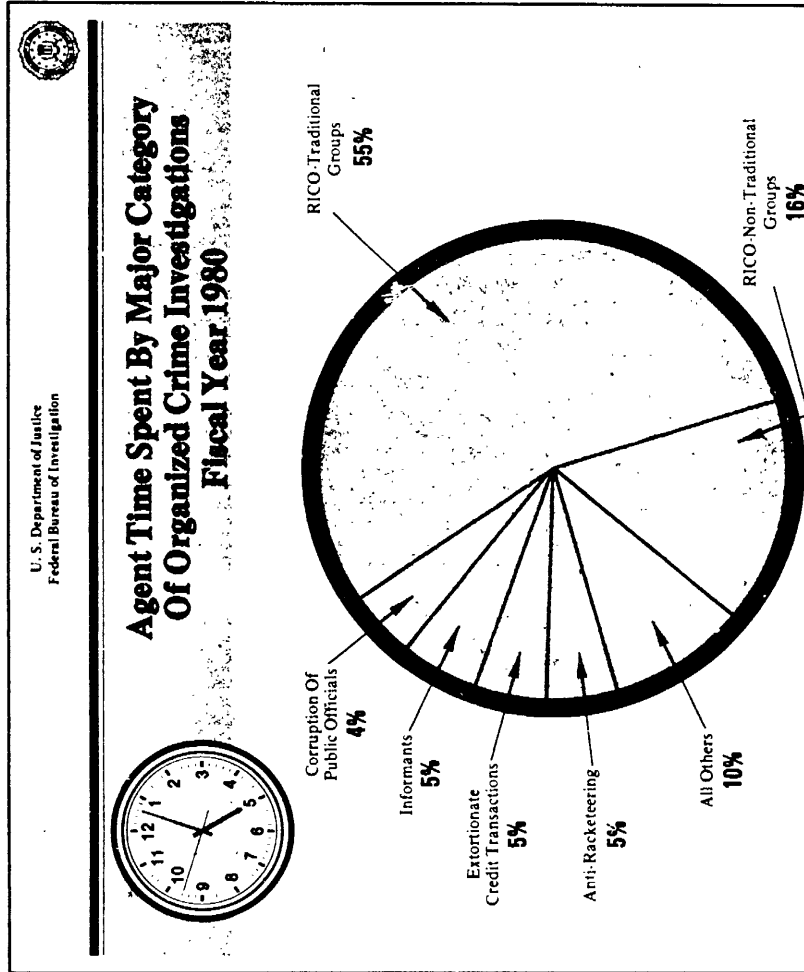


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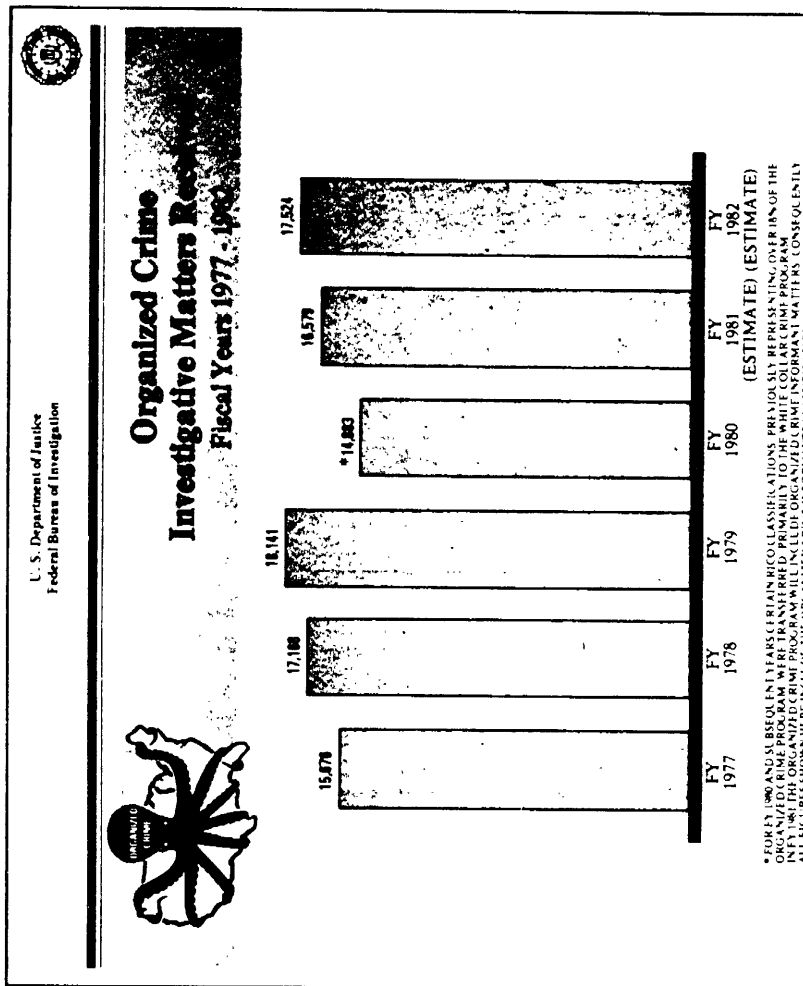


Exhibit No. 15

WHITE-COLLAR CRIME INVESTIGATIONS

White-collar crimes are generally defined as those illegal acts characterized by deceit, concealment, violation of trust, and which are not dependent upon the application or threat of physical force or violence. They are committed to obtain money, property, or services; to avoid the payment of money, property, or services; or to secure personal business advantage. White-collar crime violations occur with high frequency in every part of the United States without regard to geographic boundaries or population distribution. Many of these criminal acts depend on the corruption of public officials for their successful commission.

It is one of the FBI's principal program objectives to detect, investigate, and provide prosecutive support in resolving white-collar criminal activities within the jurisdiction of the FBI. The victims of these crimes are often citizens or small businesses that can ill afford financial loss. In many of the cases investigated by the FBI, the government and, consequently, the taxpayer are victims of the frauds. Millions of dollars each year are drained from the United States Treasury through white-collar crime schemes, not infrequently with the criminal participation of unscrupulous government officials and employees.

The long-range goal of this program is to curtail the incidence of white-collar crimes by investigating those high-impact and complex cases in support of successful prosecution. The areas of high priority in this regard are: public corruption; energy related violations; governmental program fraud; bank fraud and embezzlement; and business and consumer frauds perpetrated by those in responsible positions in all levels of government, labor, and the financial community. The short-term objective is to provide the investigative concentration and response necessary to support the Administration's and the Attorney General's efforts against white-collar crime.

The program increase for fiscal year 1982 of \$1,122,000 in the White-Collar Crime Program will provide for \$500,000 to be used for increased undercover activities, and \$622,000 to utilize the aircraft surveillance technique as needed in those instances when such a sophisticated procedure is warranted.

TECHNIQUE

Several techniques relatively new to this program are being utilized to detect and investigate white-collar crime. Among these techniques are undercover operations wherein Special Agents are able, through the use of suitable covers, to penetrate operations in several areas of criminal activity. The FBI conducts computer fraud schools at the FBI Academy to better train Special Agents in investigating frauds wherein a computer is an integral part of the fraudulent activity. Since computer-related fraud has become more prevalent, this training provides the FBI field office with increased capability of detecting crimes and collecting evidence in these matters. In many instances, an FBI field office will "target" an operation where there is reason to believe it is involved in an illicit activity. Concentrating its resources on the organization, the field office is often able to commence its investigation while the illicit activity is being planned or conducted.

The increased white-collar resources and their concentration have permitted the targeting of public corruption. Consequently, the FBI has been successful in the pursuit of those persons who violate their public trust. The white-collar criminal is becoming more sophisticated in devising and perpetrating schemes, thereby making detection and investigation more difficult. Increased expertise is required in gathering evidence for successful prosecution. The thrust of FBI investigations is being directed at the so-called professional swindler.

CURRENT INVESTIGATIONS

Public Corruption is one of the FBI's top investigative priorities within the White-Collar Crime Program. During Fiscal Year 1980, these investigations resulted in the conviction of 236 persons for their involvement in various corrupt acts prohibited by Federal statutes. There were 1,145 Public Corruption matters under investigation at the close of Fiscal Year 1980. These investigations involved subjects at all levels of Federal, state and local government. These investigations, by their very nature, are sensitive in that they affect the integrity and reputation of those in the public spotlight and are prone to news media sensationalism. Attempts to use the FBI for purely political purposes to discredit an opponent must always be considered in these matters. These investigations require a significant amount of personnel and are handled on a priority basis as it is imperative that a public official either be cleared of an allegation or brought to justice as soon as possible.

Recent economic developments on worldwide commodity markets have created heavy investments in gold and silver futures trading. Commodity fraud cases have experienced a tremendous increase in the past year, as the heavy trading of the futures contracts set another stage for the con man to conduct his fraudulent activities. The FBI's commitment in this area is increasing.

In addition, the FBI is conducting a number of Fraud Against the Government investigations throughout the United States in which substantial accomplishments are expected. These investigations will result in a significant deterrent effect, as well as provide a basis for evaluation of the affected program with the view of taking steps to prevent recurrence of similar frauds.

ENERGY FRAUD

Energy fraud investigations are fraud matters which are related to the exploration, production, transfer, processing, or sale of energy products. This would include petroleum, coal, natural gas, uranium or other radioactive fuel derivatives, and synthetic fuel products.

During the past two years, the FBI has successfully investigated oil fraud cases involving the miscertification of crude oil in the Department of Energy Tier Pricing System. Oil fraud investigations also include the crude oil resellers who enter the distribution system for the purpose of artificially increasing crude oil prices. Recently, a conviction under the RICO Statute resulted in the forfeiture to the Government of a seven story office building located in Tulsa, Oklahoma. Approximately 35 oil-related cases are currently pending.

Approximately 125 investigations concerning coal-related fraud are pending. These investigations are centered in the coal producing areas of Pennsylvania, Alabama, Kentucky, West Virginia, and Virginia. Additional coal field crime cases will be opened as personnel to conduct these investigations becomes available. FBI investigations of coal field crime have resulted in significant convictions and indictments during Fiscal Years 1979 and 1980.

A new area of Energy Fraud will involve the Synthetic Fuels Program. The Energy Security Act of 1980 established the Synthetic Fuels Corporation for the purpose of developing new sources of energy. The Congress funded this quasi-government

corporation with \$20 billion to accomplish its mission. These funds will be available to the private sector in the form of Government grants and guaranteed loans for development of new energy sources. The FBI anticipates that a number of substantial program fraud cases will be developed as a result of this new program.

Another new area of Energy Fraud is the falsification of records involving federally owned oil wells in Wyoming and Colorado. The Department of Interior has recently discovered that the Federal Government is losing millions of dollars annually from oil royalties due to the fraudulent practices of crude oil processors in that area of the country.

AGENT TIME SPENT BY MAJOR CATEGORY OF WHITE-COLLAR CRIME INVESTIGATIONS: FY 1980

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Fraud Against the Government	370	20.8%	5.2%
Bank Fraud and Embezzlement	354	19.9%	5.0%
Hobbs Act - Corruption of Public Officials *	158	8.9%	2.2%
Copyright Matters	50	2.8%	.7%
Bribery; Conflict of Interest	45	2.5%	.7%
National Bankruptcy Act	39	2.2%	.6%
Financial Crimes (ITSP; Mail Fraud, & Fraud by Wire)	479	26.9%	6.8%
RICO - White-Collar	171	9.6%	2.4%
All others	<u>114</u>	<u>6.4%</u>	<u>1.6%</u>
Total	1,780	100.0%	25.2%

*It should be noted that at the outset of FY 1980, several classifications of the Hobbs Act concerning corruption of police officers and public officials involved with organized crime were transferred to the Organized Crime Program from White-Collar Crime. These particular classifications consumed 63 agent work-years during FY 1979, representing 3.8% of the White-Collar Crime Program.

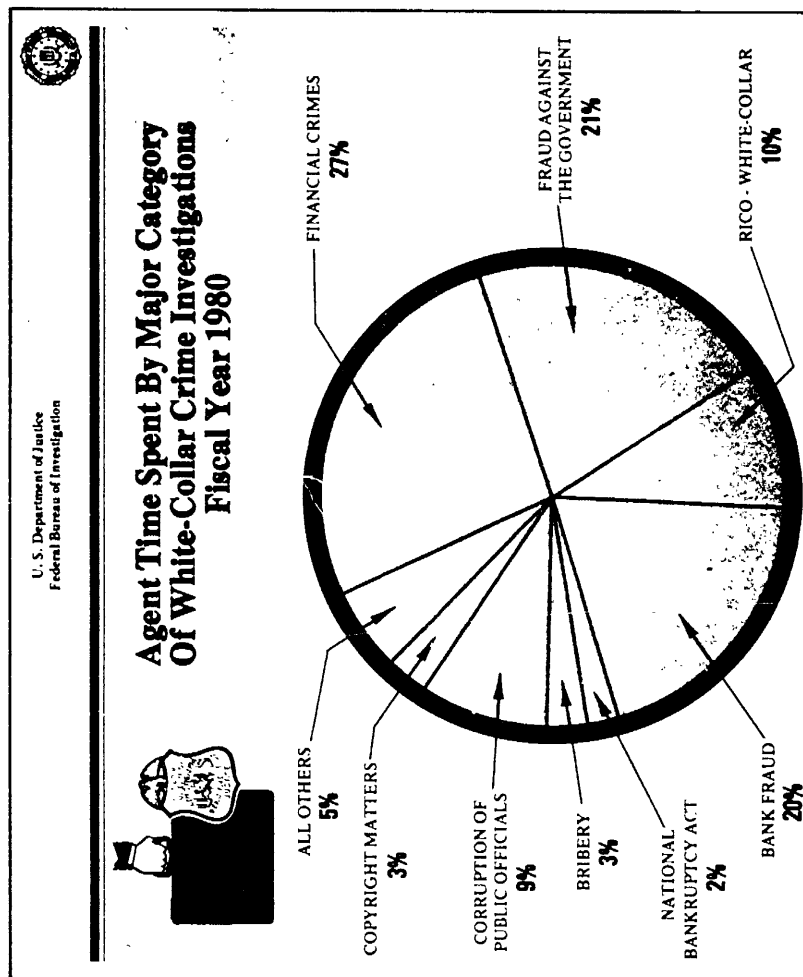


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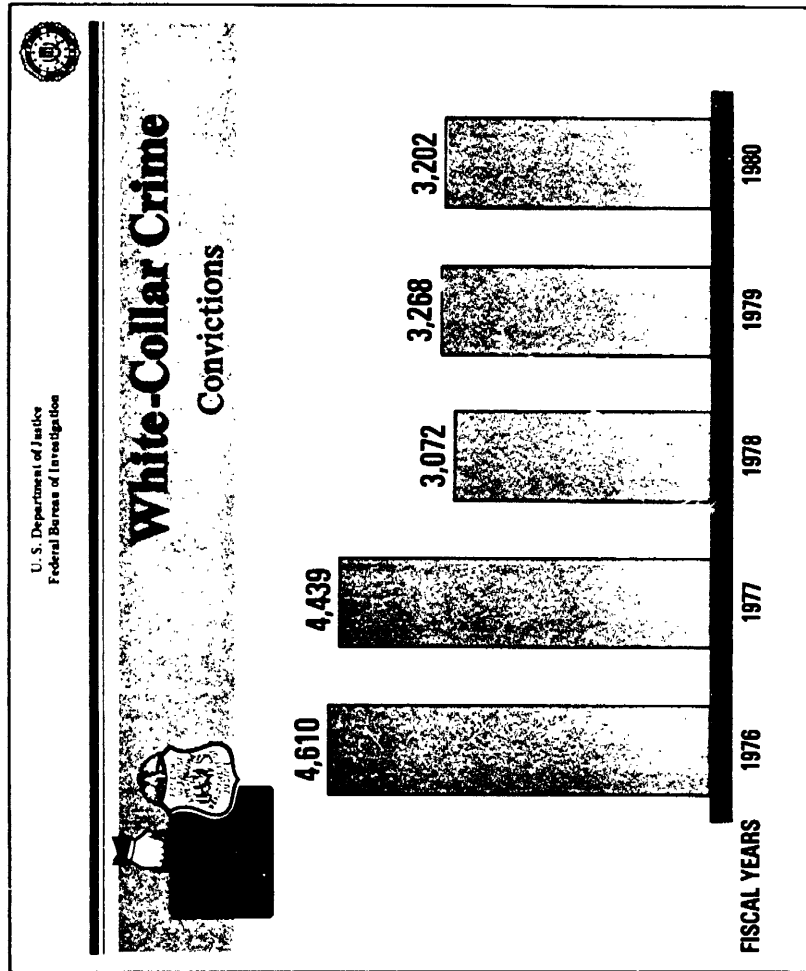


Exhibit No. 19

FOREIGN COUNTERINTELLIGENCE

ALONG WITH ORGANIZED AND WHITE-COLLAR CRIME
INVESTIGATIONS, FOREIGN COUNTERINTELLIGENCE REMAINS A MAJOR
PRIORITY OF THE FBI. THE BUREAU WILL CONTINUE ITS EFFORTS TO
DETECT, PENETRATE, AND EXPOSE HOSTILE INTELLIGENCE OPERATIONS OF
FOREIGN COUNTRIES WITHIN THE UNITED STATES. FURTHER INFORMATION
RELATIVE TO THE COUNTERINTELLIGENCE RESPONSIBILITIES OF THE FBI IS
CONTAINED IN THE FOLLOWING EXHIBITS:

FOREIGN COUNTERINTELLIGENCE PROGRAM

The FBI is charged with the responsibility of Foreign Counterintelligence (FCI) investigations and foreign terrorist investigations within the United States. This FCI function is derived from various criminal statutes, such as the Espionage Statutes and Registration Acts. In addition, FCI investigations are conducted in accordance with Presidential Directives issued pursuant to the inherent power of the President to protect and defend the Constitution of the United States. Executive Order 12036, issued January 26, 1978, is the current Presidential authority for the FBI's FCI investigations. In compliance with existing Executive Orders, the Attorney General has established guidelines for the conduct of FCI activities in the United States. The first such guidelines became effective May 28, 1976. Within the parameters of these guidelines and statutes, the FBI is given discretion to develop and implement FCI programs.

The FCI mission is counterintelligence activity undertaken to protect the security of the United States by countering the hostile activities of foreign intelligence services and foreign-directed terrorists. It includes the development and dissemination of information concerning foreign intelligence or terrorist activity, as well as the penetration and neutralization of groups and individuals engaged in such activity.

The FCI Program of the FBI serves national policy makers by providing an overview of foreign intelligence activities within the United States. As a result, they are assisted in making informed decisions concerning national security requirements. The FBI also furnishes analyses to other agencies of the Executive Branch with specific intelligence responsibilities, enhancing the effectiveness of these agencies in accomplishing their missions. FBI investigative responsibilities have expanded due to a much wider geographic access, increase in numbers of individuals requiring investigation, and the use of sophisticated technical collection equipment on the part of foreign intelligence personnel.

The FBI has experienced an increase in the number of Soviet immigrants; a large influx of repatriated American citizens, former political prisoners and their dependents from Cuba; substantial increase of investigative responsibilities as a result of the recent diplomatic recognition of the People's Republic of China (PRC); and an augmented effort to monitor and/or thwart the scientific and technological drain to foreign intelligence services.

Exhibit No. 20

Historically, the PRC diplomatic missions have sought and achieved parity with the diplomatic staff of the Soviets in the host country. Because of increasing United States scientific and technical exchange with the PRC, visiting Chinese scientific and technical delegations have increased in size and frequency. As of December 1980, approximately 5,000 PRC students have enrolled in academic institutions in the United States--many in scientific and technical areas. By the end of 1981, this number is expected to increase by another 1,000. It is the FBI's responsibility to detect intelligence officers implanted among this growing number of persons.

Another area of the FBI's FCI Program concerns those investigations of actual or potential violation of statutes by international terrorists acting on behalf and with the concurrence of a foreign power. The FBI is charged with primary jurisdiction and overall responsibility for direction of investigations with regard to international terrorist incidents.

The FBI has a defined role within the Intelligence Community. Inasmuch as foreign-directed intelligence activities and terrorism are transnational in nature, the FBI must coordinate investigative operations with other United States agencies and cooperating foreign police and security services in order to insure the accomplishment of established FCI objectives. This liaison is a most integral component in the FBI's FCI program.

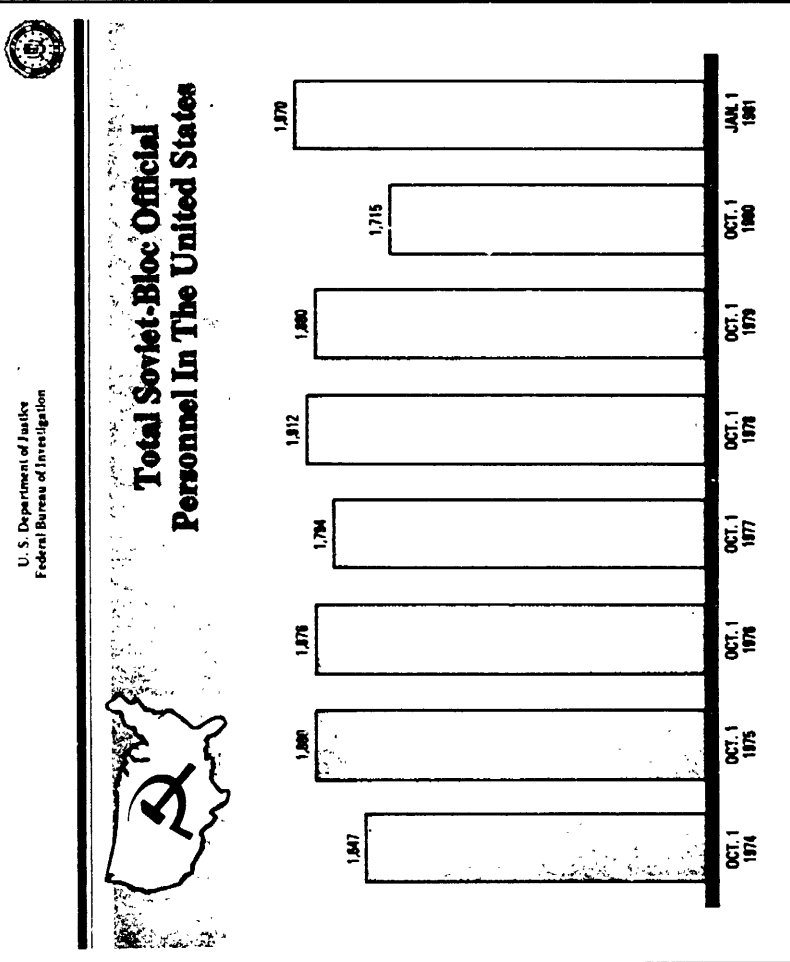


Exhibit No. 21

TERRORISM

APPROXIMATELY 99 PERCENT OF ALL TERRORIST ACTIVITY IN THE UNITED STATES FALLS WITHIN THE JURISDICTION OF THE FBI. THUS, IT IS THE FBI'S RESPONSIBILITY TO INSURE THAT THE PREVENTIVE (INTELLIGENCE-GATHERING) AND REACTIVE (CRIMINAL INVESTIGATIVE) CAPABILITIES OF THE FBI ARE SUFFICIENT TO MEET THE THREAT OF TERRORISM IN THIS COUNTRY. THIS PROGRAM WILL EXPERIENCE A \$591,000 ENHANCEMENT FOR AIRCRAFT SURVEILLANCE OFFSET BY A PERSONNEL-RELATED DECREASE OF \$877,000, LEAVING A NET REDUCTION OF 21 POSITIONS AND \$286,000 IN FISCAL YEAR 1982. SEVERAL EXHIBITS DESCRIBING THIS PROGRAM FOLLOW:

TERRORISM INVESTIGATIONS

Terrorism investigations are undertaken in order to detect, prevent, and/or react to unlawful, violent activities of individuals or groups whose intent is to either overthrow the Government, interfere with the activities of a foreign government in the United States; substantially impair the functioning of the Federal Government, a state government, or interstate commerce, or deprive Americans of their civil rights as guaranteed by the Constitution, laws, and treaties of the United States. The authority for these investigations is derived from Federal statutes and Executive Orders from the President and the Attorney General. In addition, violations of certain Federal statutes, which would logically relate to terrorism--such as bombing matters, nuclear extortion, sabotage, and the protection of foreign officials--are handled within the Terrorism Program.

Terrorist activity, which is defined as violent acts or acts dangerous to human life which are criminal under the laws of the United States and which are intended to intimidate or coerce the civilian population or influence the policy of the Government through intimidation or coercion, is investigated as part of this program. In order to combat terrorism, quality intelligence must be gathered and acted upon to prevent planned violence from occurring. Intelligence in this regard refers to FBI investigations, together with their resultant product, which ascertain information on the activities of individuals or groups involved in violence and violations of Federal law for the purposes enumerated in the Attorney General's Guidelines.

Domestic security investigations, which comprise only a small segment of the Terrorism Program, are based primarily on the Attorney General's Domestic Security Guidelines, which became effective in the FBI on April 6, 1976. As of February 27, 1981, there were 10 organizations and 47 individuals under investigation based on these Guidelines. If an individual or group is foreign-directed or foreign-based, investigation must conform to the Attorney General's Foreign Counterintelligence Guidelines, which were issued on June 1, 1973, and last revised in April 1980.

Domestic security investigations in the FBI underwent a radical change, both in number and in scope, as a result of the adoption of the Attorney General's Guidelines for Domestic Security. The FBI's policies of quality over quantity management and restricting investigation of individuals to leaders and policy makers also had a major impact on the limitation of domestic security cases.

While the terrorism program as a whole is not listed as a top priority program of the Federal Bureau of Investigation, individual incidents of terrorism require an immediate reaction placing the Bureau's response in a top priority category. Terrorist acts continue to be performed as evidenced by the murder of former Iranian Press Attache Ali Tabatabai, the murder of Cuban U.N. Attache Felix Garcia, and the bombings of Turkish establishments in New York and Los Angeles. These types of activities by terrorists are violent criminal acts and are deliberately calculated to create maximum physical and emotional disruption. Terrorist incidents such as these mirror the mobility and complexity of modern society, transcending both national and international borders.

Since approximately 99% of all domestic security activities fall within the investigative responsibilities of the FBI, it is necessary for the terrorism program to be characterized by determination and innovation. In an attempt to increase the intensity and variety of its response, the terrorism program has begun employing several new resources. The application of the Racketeer Influenced and Corrupt Organization Statutes to terrorist activity has provided further thrust to the investigation of terrorist groups who are involved in murder, extortion, bombing or arson activity. New legislative areas are being researched for improvement of laws. Computerization of major case information has begun to assist in the analysis and retrieval of vital information. Special investigative techniques such as aircraft and technical surveillance have provided timely and valuable information on the activities of terrorists. The ominous nature of terrorist acts does not allow for complacency in planning for a response to these incidents or in obtaining advanced information of planned violent activity. Therefore, the future strategy of the terrorism program is as dynamic as the course of terrorist activity.

AGENT TIME SPENT BY MAJOR CATEGORY OF TERRORISM INVESTIGATIONS: FY 1980

Major Category	Agent Work-Years (Includes Field Supervisors)	Percent (%) of Program	Percent (%) of Total Field Agent Time
Neutrality Matters	3	1.9%	---
RICO - Terrorism	37	25.3%	.5%
Passport and Visa Matters	6	3.9%	.1%
Domestic Security	1	10.3%	.2%
Atomic Energy Act	4	2.5%	.1%
Protection of Foreign Officials	27	18.2%	.4%
Domestic and Foreign-Based Bombing Matters	35	23.7%	.5%
Bombing Matters - Other attempts and actuals	3	2.1%	---
Espionage - X	5	3.7%	.1%
Bomb Threats	4	3.1%	.1%
Informants	4	2.7%	.1%
*All others	4	2.6%	---
Total Terrorism Program	147	100.0%	2.1%

To present a more accurate view of the current Terrorism Program, terrorist informant matters are included in this chart. These matters became a component in the Terrorism Program starting in FY 1981.

* Includes: civil unrest, anti-riot laws, overthrow of Government, sedition, treason, and sabotage.

Exhibit No. 23

OTHER INVESTIGATIVE RESPONSIBILITIES

ALTHOUGH THE QUALITY CASE CONCEPT DICTATES THAT THE FBI WILL REFER LOWER FEDERAL PRIORITY INVESTIGATIONS TO LOCAL AUTHORITIES WHEN FEASIBLE AND WHERE DUAL JURISDICTION EXISTS, THE FBI STILL HAS A PROMINENT ROLE IN MANY REACTIVE-TYPE INVESTIGATIONS. THESE INVESTIGATIONS ARE MOSTLY IN THE PROPERTY AND PERSONAL CRIMES PROGRAMS. THE FBI'S POLICY WITH RESPECT TO BANK ROBBERY INVESTIGATIONS IN THE PERSONAL CRIMES PROGRAM WILL BE TO CONTINUE TO RESPOND TO EACH VIOLATION AS IT OCCURS AFTER WHICH A DETERMINATION CAN BE MADE AS TO WHETHER FEDERAL OR LOCAL AUTHORITIES WILL BE RESPONSIBLE FOR THE CASE. YOU MAY BE SURE THAT THE FBI WILL ASSUME RESPONSIBILITY FOR INVESTIGATING THOSE CASES WHERE THERE IS VIOLENCE, INJURY, DEATH, HOSTAGES, OR INDICATIONS OF ORGANIZED CRIME OR INTERSTATE ACTIVITY.

EFFORTS IN UNDERCOVER OPERATIONS HAVE BEEN THE SUBJECT OF RECENT NATION-WIDE PUBLICITY. DURING THE CURRENT FISCAL YEAR, THE FBI HAS A TOTAL OF \$4,891,000 AVAILABLE TO FUND SUCH OPERATIONS IN ALL OF ITS INVESTIGATIVE PROGRAMS. THIS REQUEST INCLUDES AN INCREASE OF \$2,859,000 FOR UNDERCOVER OPERATIONS.

SOME OTHER INVESTIGATIVE RESPONSIBILITIES OF THE FBI INCLUDE PERSONAL CRIMES, FUGITIVES, CIVIL RIGHTS, GENERAL GOVERNMENT CRIMES, AND GENERAL PROPERTY CRIMES. THE FOLLOWING EXHIBITS RELATE TO THESE TYPES OF MATTERS AS WELL AS TO INFORMANTS:

PERSONAL CRIMES PROGRAM

The Personal Crimes Program of the FBI addresses a group of reactive criminal investigative matters which involve the common characteristics of threatened or actual personal injury or loss of life. These crimes, which include bank robberies, kidnappings, extortions, aircraft hijackings, Congressional assassinations, and assaults against Federal officers, among others, often have considerable impact on the communities and individuals involved due to their potential for violence, the high public profile of their victims, and their potential for substantial monetary losses. Through its investigations of these offenses, the FBI seeks to reduce the impact of personal crime victimization by providing an investigative response to reported violations; identifying, collecting, and preserving evidence to direct and support investigative efforts; conducting logical investigation to identify, locate, and apprehend criminals engaged in personal crimes; and providing prosecutive support to United States Attorneys' Offices. In Fiscal Year 1980, a five percent increase in investigative matters received in the Personal Crimes Program occurred.

For Fiscal Year 1982, a total of 1,044 workyears are being requested for Personal Crimes Program investigations, consisting of 672 Agent workyears and 372 support workyears. This resource level is the same as that approved for Fiscal Year 1981.

Accomplishments resulting from Personal Crimes Program investigations contribute substantially to the overall level of performance and success enjoyed by the FBI. During Fiscal Year 1980, 1,011 arrests were made, 242 criminals located, and 34 criminal summonses served; 1,140 complaints and 178 informations were filed; 1,843 true bills of indictment were returned; 40 persons were handled through pre-trial diversion plans; and 1,788 convictions were obtained. Ninety-six percent of the convictions were for felony offenses and 88 percent of the individuals convicted were sentenced to a period of confinement.

In addition, \$270,000 in fines were levied and more than \$18,900,000 worth of stolen and illegally possessed property was recovered as a result of FBI investigative activity. Overall, the Personal Crimes Program accounted for 22 percent of all investigative statistical accomplishments realized by the FBI's investigative programs. This favorable level of performance was attained through the efforts of nine percent of the FBI's investigative resources.

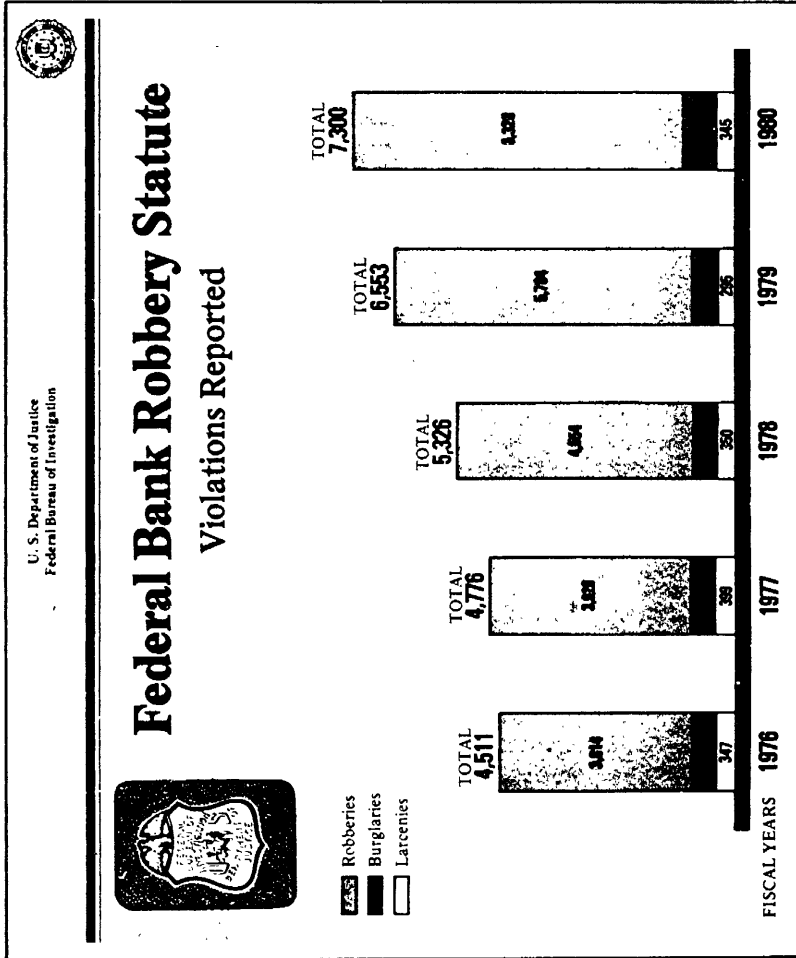
Exhibit No. 24

The primary investigative area within the Personal Crimes Program is forcible crimes against financial institutions, which includes bank robberies, bank burglaries, bank larcenies, and extortionate demands against banking institutions. Federal Bank Robbery Statute violations increased in Fiscal Year 1980 for the fourth consecutive year, reaching a record high of 7,300 offenses. These 6,328 bank robberies, 627 bank burglaries, and 345 bank larcenies represent an 11 percent increase over Fiscal Year 1979. Losses attributed to these crimes exceeded \$44,800,000. As of the close of Fiscal Year 1980, solutions were effected in 3,664 of the 7,300 violations. FBI investigation, either alone or in conjunction with state and local law enforcement, contributed to 65 percent of these solved cases. Among the investigative accomplishments resulting from FBI investigation of Federal Bank Robbery Statute violations during fiscal year 1980 were the conviction of 1,502 subjects, of which 99 percent were for felony offenses. Additionally, 791 arrests were made, 204 subjects located, 929 complaints and 139 informations filed, and 1,563 true bills of indictment returned. Hobbs Act violations directed against kidnap/extortion style offenses amounted to approximately \$1,500,000. For fiscal year 1982, the FBI plans to commit 693 workyears (448 Agent and 245 support) to combat forcible crimes against financial institutions. This resource level will permit continuation of investigative activity being performed in fiscal year 1981 without interruption.

Major investigative efforts are also being directed in several other areas of the Personal Crimes Program, most notably kidnaping, extortion, assaulting a Federal officer, and Congressional assassination. An FBI task force is probing the disappearance of children in the Metropolitan Atlanta area to determine if a violation of the Federal Kidnapping Statute exists. This investigation grew out of the apparent abduction of 15 children over a 16-month period in the City of Atlanta and immediate vicinity, of which the bodies of 11 children were recovered. Since the inception of this investigation, one more child has been reported missing and two additional bodies have been recovered. An attempted extortion of \$3,000,000 from a Nevada casino occurred in August, 1980. An attempt to neutralize an explosive device placed in the casino failed, resulting in the explosion of the device and extensive damage to the building. Investigation into the assassination of United States District Court Judge John H. Wood continues. Judge Wood was murdered in front of his residence in San Antonio, Texas, in May 1979. This investigation is receiving preferred investigative attention in FBI Field Offices. An individual indicted for participation in the murder of United States Congressman Leo J. Ryan was returned to the United States in November 1980, after being expelled by the Government of Guyana. Congressman Ryan was killed in an ambush at Port Kaituma, Guyana, in November 1978, after having conducted an official inquiry into the activities of the Peoples Temple in Jonestown, Guyana.

AGENT TIME SPENT BY MAJOR CATEGORY OF PERSONAL CRIMES INVESTIGATIONS: FY 1980

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Kidnaping	68	9.9%	.9%
Extortion	47	6.9%	.7%
Assaulting or Killing a Federal Officer	50	7.2%	.7%
Forcible Crimes Against Banking Institutions	447	64.9%	6.3%
Crime Aboard an Aircraft	19	2.7%	.3%
Hobbs Act-Commercial Institutions	32	4.6%	.4%
All others	<u>26</u>	<u>3.8%</u>	<u>.4%</u>
Total	689	100.0%	9.7%



FUGITIVE INVESTIGATIONS

In Fiscal Year 1980, a total of 5,581 fugitives wanted by the FBI were successfully taken into custody. This total includes 4,287 "arrests" and 1,294 "locates". Of those taken into custody, 1,179 were being sought at the request of state, local and other Federal agencies, including the Department of Defense, for violations of the Unlawful Flight Statute, escaped Federal prisoners, bond default and military deserters. Included in this number were 1,052 fugitives being sought on behalf of the local and state law enforcement community under provisions of the Unlawful Flight Statute. The remaining 4,402 fugitives arrested or located during fiscal year 1980 had been charged with substantive Federal violations within the FBI's investigative jurisdiction.

In order to concentrate its manpower resources on priority criminal investigations; i.e., Organized Crime, White-Collar Crime and Public Official Corruption, the FBI has been required to de-emphasize its involvement in certain lesser impact matters. Consequently, the fugitive phase of the FBI's investigative operations is one area from which manpower has been diverted for higher priority reassignment. In this regard, during fiscal year 1978, the FBI and Department of Defense agreed that the FBI would no longer seek the apprehension of routine deserters, but would attempt to locate only those who desert under aggravated circumstances. The Department of Justice, to further assist the FBI in lessening its fugitive responsibilities, authorized the U. S. Marshals Service, effective October 1, 1979, to assume the responsibility for locating those fugitives wanted as alleged probation, parole and mandatory release violators, and for alleged violations of Escape, Rescue and Bond Default Statutes.

The FBI's responsibilities for seeking individuals wanted for substantive violations within its jurisdiction, and those wanted by the local and state law enforcement community who have fled across state lines to avoid apprehension or confinement, remain unchanged.

(1)

"Arrests" are those instances where FBI Agents actually make or participate in the apprehension.

(2)

"Locates" are those instances where the investigative efforts or cooperative services of the FBI result in the arrest of a fugitive by another law enforcement agency.

Exhibit No. 27

AGENT TIME SPENT BY MAJOR CATEGORY OF FUGITIVE INVESTIGATIONS: FY 1980

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Bond Default and Desertion	2	0.7%	---
Escaped Federal Prisoner	10	4.6%	.1%
Unlawful Flight to Avoid Prosecution - Subject wanted for violent crime	160	74.9%	2.3%
Unlawful Flight to Avoid Prosecution - Subject wanted for property crime or narcotics	17	8.1%	.2%
Unlawful Flight to Avoid Prosecution - All others	<u>25</u>	<u>11.7%</u>	<u>.4%</u>
Total	214	100.0%	3.0%

CIVIL RIGHTS INVESTIGATIONS

The FBI's position on civil rights matters is to address allegations which involve the abridgment of rights provided to the citizens and inhabitants of the United States under the Constitution or laws of the United States. The primary objective in civil rights matters is to enhance and protect those rights through expeditious and thorough attention to matters within the FBI's investigative jurisdiction. The FBI's long-range goal is for the continued improvement of the atmosphere in which individuals will be enabled to obtain and maintain their civil rights as guaranteed by the Constitution and laws of the United States.

Resources will also be used in 1982 to provide specialized programs, including regional conferences and seminars throughout the field and at FBI Headquarters, for the benefit of investigative and supervisory personnel. The goals and objectives of these specialized programs are to enhance managerial and investigative skills of Special Agents in civil rights investigations, including keeping abreast of the complex Civil Rights Statutes, in order to afford timely, accurate, and effective responses in civil rights matters.

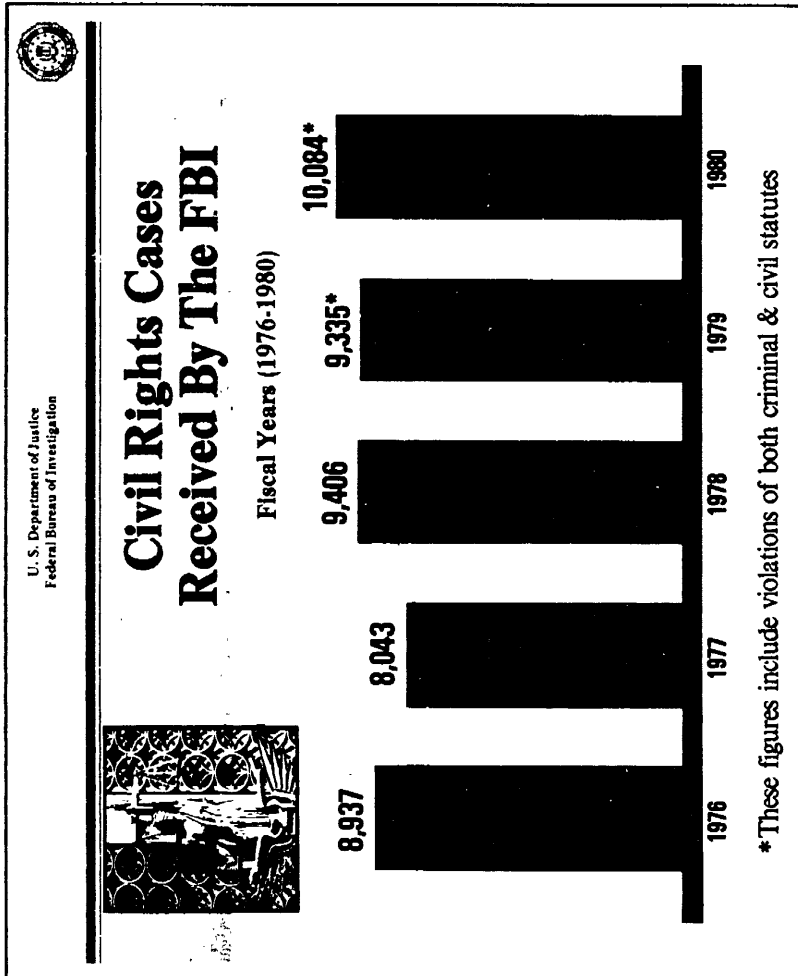
Similar programs will be conducted for local and state law enforcement officers (including FBI training to officers at the FBI National Academy) to increase their knowledge concerning Constitutional rights and the special duties and obligations which the law imposes on them to uphold and protect such rights. The goals and objectives of this training are to reduce the number of civil rights investigations required by increasing the knowledge of local and state law enforcement officers.

The FBI investigated 7,995 civil rights cases in fiscal year 1979 and 8,695 cases in fiscal year 1980. It is estimated that between 9,000 and 10,000 civil rights cases will be investigated during the current fiscal year. Civil rights investigations, many of which are extensive, are conducted pursuant to policy established by the United States Department of Justice.

Exhibit No. 29

AGENT TIME SPENT BY MAJOR CATEGORY OF CIVIL RIGHTS INVESTIGATIONS: FY 1980

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Civil Rights - Preliminary investigations involving violence	123	78.1%	1.7%
Civil Rights - All other preliminary investigations	8	5.2%	.1%
Civil Rights - Miscellaneous	9	5.8%	.1%
Civil Rights Act of 1964	5	2.9%	.1%
Discrimination in Housing	9	5.6%	.1%
All others	<u>4</u>	<u>2.4%</u>	<u>.1%</u>
Total	158	100.0%	2.2%



GENERAL GOVERNMENT CRIMES PROGRAM

The FBI investigates major violations involving criminals and criminal groups whose activities are directed against property owned by the United States Government and/or individuals who are located on property where the United States has investigative jurisdiction. These crimes involve theft of Government weapons or explosives, high-value property, and acts of violence, (i.e., homicides, assault, and robbery) occurring on Government reservations, in Indian Country, and in Federal penitentiaries. This includes approximately 430 major Department of Defense installations and 125 Indian reservations. During fiscal year 1980, 1,521 criminal informations and indictments were obtained, 1,005 persons were convicted, 585 were arrested and/or located, and recoveries amounting to \$4,166,746 were accomplished under this program.

Crimes on Government reservations frequently involve violence, such as a recent case where individuals broke into a Federal penitentiary, held guards and inmates hostage at gunpoint, and subsequently executed an inmate. Investigation by the FBI resulted in the arrest and conviction of eleven individuals who, under the guise of a religious sect, perpetrated crimes involving impersonation, extortion and theft of Government property.

The Nation's Indian reservations are extremely vulnerable to violent civil disturbances which can result in widespread lootings, arson and crimes of violence. The FBI and the Departments of Justice and Interior are currently drafting a Memorandum of Understanding which delineates the respective roles of Federal law enforcement agencies in future Indian reservation civil disturbances. This will achieve an improved reactive response in future civil disturbances, thus enabling law enforcement to lessen the magnitude of disruption in future occurrences.

Exhibit No. 32

GENERAL PROPERTY CRIMES PROGRAM

The objective of this program is the identification and resolution of property crimes within the jurisdiction of the the FBI, particularly those of a patterned, commercialized, or major nature; and arrest and prosecution of top thieves, fences, and organized crime groups involved in these violations. Crimes dealt with in the General Property Crimes Program (GPCP) have substantial, direct impact on the American public. Of the violations comprising the Uniform Crime Report Program Index, property crimes represent 90 percent of the total incidents. Property crime increased 49.1 percent between 1970 and 1979. The workhours expended in the GPCP accounted for the following percentages of the FBI's statistical accomplishments during Fiscal Year 1980: Convictions - 15 percent; fines - 3 percent; potential economic loss prevented - 7 percent; and recoveries - 34 percent.

Numerous undercover operations are presently being managed in the GPCP. Of particular interest is the undercover operation entitled "ABSCAM," wherein prosecutable cases have been developed against one U. S. Senator, six U. S. Congressman, three Philadelphia City Councilmen, an Immigration and Naturalization Service Investigator, and several middlemen/influence peddlers. All have been indicted for various crimes related to bribery and the conspiracy to commit bribery. To date, five U. S. Congressmen, two City Council members, and five others have been convicted of the crimes with which they were charged. In addition, ABSCAM has resulted in the recovery of artworks valued at \$1,000,000 and fraudulent certificates of deposit representing a potential economic loss of approximately \$690,000,000.

FBI INFORMANTS

Many sources of information are available to the FBI, but informants undoubtedly provide the single most important means of obtaining information in its most complex investigations. The nature of investigation has become more complicated, and criminal enterprises have reached the degree of sophistication where any anticipation of success would be impossible without the use of informants. Most of the long-term undercover operations and the utilization of electronic surveillance would not be possible without the participation of informants. Informants provide information of intelligence value, the solution of crimes, the recovery of stolen property and contraband, the location of wanted persons, and the detection of crimes in the planning stages.

Informants furnish information regarding criminal acts which are in violation of state laws and of Federal law over which the FBI does not have jurisdiction, such as narcotic trafficking. This information is disseminated to the appropriate law enforcement agency and has greatly assisted overall detection and enforcement of the law at all levels.

The FBI attempts to develop informants who have a willingness and ability to provide information on a regular basis and are of known reliability in matters within its investigative jurisdiction. The ability to control these individuals is also utilized as a factor in determining their suitability to act as an FBI informant.

Informants are paid on a cash-on-delivery basis for services rendered and expenses incurred. The amount paid to an informant is determined by the FBI based on the value of the information received.

Informants are not used by the FBI to circumvent legal or ethical restrictions. They are given specific instructions not to participate in acts of violence, use unlawful techniques to obtain information, or initiate a plan to commit criminal acts. Informants are sometimes allowed to participate in criminal activities with persons under investigation if it is determined necessary to obtain information needed for purposes of Federal prosecution. If this participation in criminal acts involves serious criminal activity, authorization is obtained from the U.S. Department of Justice prior to an informant's being used.

If an informant violates the law when acting on behalf of the FBI and was not previously directed to do so by the FBI, this information is disseminated to the appropriate authorities. If an informant provides information regarding illegal activities in which he has been involved, not connected with his being an informant, a judgment is made regarding his value as an informant in relation to the nature of the crime he has committed. If an informant commits a serious crime, the appropriate prosecutive authorities are advised.

Concerning members of the professional community, the FBI operates no informants in this category in a manner which would violate any ethical restrictions placed upon them as a result of their professions. To insure that these violations do not occur, the information furnished by these types of informants is reviewed regularly by the FBI; they are not given assignments which would violate these ethical restrictions; and they are instructed not to furnish any information which would violate these restrictions. If these types of informants are determined to have furnished such information, it is not used by the FBI.

The FBI operates six categories of criminal informants: terrorism informants, general criminal informants, organized crime informants, organized crime top echelon informants, white-collar crime informants, and confidential sources.

A record is maintained regarding all persons who are paid for services or expenses whether they are considered informants or not. The FBI pays certain individuals for services and expenses who, because of their inability to provide information on a regular basis or some other reason, are not considered informants. The FBI operates informants who are not paid and who furnish information on a confidential basis. The identity of these informants and a record of the information they furnish are maintained in the files of the FBI.

COORDINATION OF INVESTIGATIONS

THE FBI COORDINATES INVESTIGATIONS AND IMPLEMENTS NATIONAL POLICY DECISIONS CENTRALLY AT ITS HEADQUARTERS IN WASHINGTON, D. C. REQUIREMENTS FOR THIS FUNCTION ARE \$16,328,000 AND 485 POSITIONS, A DECREASE OF \$504,000. DETAILS ON THIS PROGRAM ARE PROVIDED IN THE FOLLOWING EXHIBIT:

HEADQUARTERS COORDINATION OF INVESTIGATIONS

The primary purpose of this activity is the overall management of field efforts in ten investigative programs identified as: Civil, Applicant and Other Investigations; Organized Crime; White-Collar Crime; General Government Crimes; Fugitive; Personal Crimes; General Property Crimes and General Crimes Informants; Civil Rights; Terrorism; and Foreign Counterintelligence (FCI). This management function includes such responsibilities as the development of new initiatives, the evaluation of field efforts in connection with each funded program, the administration of certain funds, the coordination of major investigations, the establishment of policy, the identification of training needs, the allocation of investigative resources throughout the field, and the maintenance of liaison with other agencies of the Executive Branch and the Legislative Branch of the Government.

TRAINING

ALL NEW AGENT APPOINTEES MUST ATTEND A TRAINING COURSE AT THE FBI ACADEMY IN QUANTICO, VIRGINIA. THIS TRAINING, IN-SERVICE TRAINING FOR FBI PERSONNEL AND FIELD FEDERAL TRAINING WILL REQUIRE \$12,225,000 AND 256 POSITIONS.

COST-FREE TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT OFFICIALS IS PROVIDED AT THE FBI ACADEMY AND THROUGHOUT THE FIELD. THIS PROGRAM WILL BE INCREASED TO \$17,287,000 AND 361 POSITIONS, REPRESENTING A PROGRAM ENHANCEMENT OF \$624,000 AND 1 POSITION. THE FOLLOWING EXHIBITS DESCRIBE THESE TRAINING PROGRAMS:

FBI TRAINING

Training provided by the FBI falls generally into two categories; new agents' training at the FBI Academy and in-service training for Special Agents and support personnel at the Academy and in the 59 field offices. Direct field support programs are provided by FBI training instructors to enhance field operations.

The New Agents' Training Program provides the highest level of training to assure that knowledge and skills are provided to enable new special agents to discharge their complex responsibilities in a superior manner at the outset of their professional careers and to include follow-up training and assessment during the probationary period.

The in-service training and direct field support programs afford training and assistance at the FBI Academy and in the field for special agent personnel, enabling them to lawfully and properly:

- conduct the complex national priority investigations, organized crime, white-collar crime, and foreign counter-intelligence, as well as all other investigative duties; and
- apply basic law enforcement skills and knowledge, such as legal, behavioral science, firearms, defensive tactics, and raid and arrest techniques.

Employees participate in sophisticated management, assessment, and education programs to improve the ability of mid- and upper-level FBI executives to more effectively carry out their complicated responsibilities, including personnel and program management, affirmative action, and budgeting.

In-service training provides job enrichment and career development opportunities for personnel through educational programs at the FBI Academy and elsewhere.

Training efforts at the Academy and in the field support crisis management training for FBI personnel who will be expected to respond in the event of terrorism, aircraft hijacking, hostage incidents, and other life-threatening situations.

FBI training efforts include faculty improvement and research and development programs, which are essential to provide proper direct field support and training program improvement and assessment.

During fiscal year 1980, 4,712 FBI employees attended various training sessions conducted at the FBI Academy. Seven hundred and one new agents received training during this period, with 497 actually being graduated during the fiscal year. Specialized in-service training included courses in white-collar crime, organized crime, foreign counterintelligence, legal matters, crisis management, forensic science matters, behavioral science topics, pilot training and certification, management and executive development, technical and electronic training, and instructor and special seminars.

POLICE TRAINING OPERATIONS

The FBI provides courses of instruction for state and local criminal justice practitioners on a cost-free basis, both at the FBI Academy and throughout the United States at state, regional, and local training facilities in order to improve their administrative, investigative, management, and technical capabilities. This instruction is offered consistent with instructional expertise, availability of personnel, and budgetary limitations.

The principal course offered at the FBI Academy is the "FBI National Academy Program." This is an eleven-week, multi-disciplined course for seasoned law enforcement managers nominated by their agency heads because of their potential for continuing advancement. Sessions are conducted four times a year for a total of 1,000 officers annually. The academic courses in this program are accredited by the University of Virginia.

In response to a void in executive training, the FBI in 1976 initiated the National Executive Institute. This 18-day program, specifically designed for the police chief executives of our Nation's largest law enforcement agencies, is conducted at the FBI Academy on an annual basis. Over 120 chief executives have been graduated from this program. Scheduled for implementation in Fiscal Year 1982 is the Law Enforcement Executive Seminar, which is designed for police chief executives from mid-sized agencies.

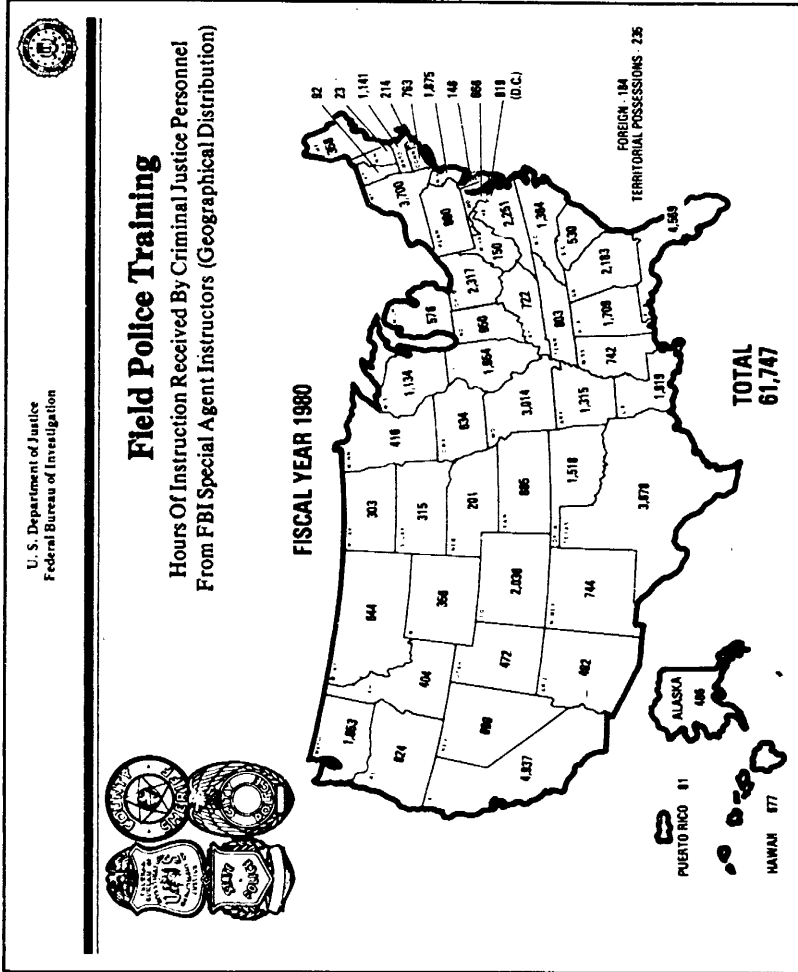
Specialized schools and courses dealing with a broad range of criminal justice related topics such as Police Personnel Management, Leadership, Human Resource Development, Effective Communications, Hostage Negotiation, Terrorism and Counterterrorism, Death Investigations, Interpersonal Violence, Criminal Psychology, and similar subjects are offered at the Academy. They range in length from three days to four weeks and during fiscal year 1980, 114 specialized schools and symposia were offered for 3,242 state and local law enforcement officers. Included in this figure were the following national conferences: Third International Symposium on Terrorism presented to over 180 top Federal, state and local law enforcement officials; National Symposium on Economic Arson with 186 attendees; and National Crime Laboratory Symposium with 187 attendees.

In addition to course offerings, FBI Academy faculty provided research and consultation to local law enforcement on a myriad of topics and investigative techniques, including psycholinguistics, forensic hypnosis, psychological profiling of unknown subjects of multiple homicide and sex crime cases, hostage negotiations, and crisis management.

Exhibit No. 37

During fiscal year 1980, FBI field instructors provided 61,747 hours of instruction in 5,129 law enforcement schools attended by 168,259 criminal justice practitioners.

Instructors from FBI Headquarters supported this field training effort in a variety of subjects such as forensic science, applied criminology, identification matters, management, uniform crime reporting, arson, death investigation, and instructor development. The Training, Laboratory, Identification, Criminal Investigative, and Technical Services Divisions offered a total of 327 specialized schools to local, county, and state criminal justice personnel.



LABORATORY SERVICES

A TOTAL OF \$14,516,000 AND 312 POSITIONS WILL BE NEEDED FOR LABORATORY EXAMINATIONS AND EXPERT TESTIMONY INVOLVING FBI CASES, AN INCREASE OF \$2,644,000 AND 24 POSITIONS. THESE POSITIONS ARE NECESSARY TO PROVIDE SCIENTIFIC AND TECHNICAL SUPPORT AND TRAINING IN THE LATEST FORENSIC SCIENCE TECHNIQUES. IDENTICAL SERVICES ARE PROVIDED BY THE SAME EMPLOYEES TO ANY REQUESTING STATE AND LOCAL LAW ENFORCEMENT AGENCY. THIS WILL REQUIRE \$6,782,000 AND 122 POSITIONS IN FISCAL YEAR 1982, WHICH IS \$391,000 AND 1 POSITION MORE THAN THE BASE FOR 1981. THESE TWO PROGRAMS ARE EXPANDED UPON IN THE FOLLOWING EXHIBITS:

LABORATORY SERVICES

FBI Laboratory services are funded and administered under two programs called Forensic Services-Federal and Forensic Services-Non-Federal. Although a distinction is made in administering funds and capturing statistics, all Laboratory examiners and technicians work in both programs using the same laboratory facilities and instrumentation.

Under the Forensic Services-Federal program direct support is provided to ongoing FBI investigations with particular attention being paid to the FBI's three national priorities -- organized crime, white-collar crime, and foreign counterintelligence. Many times the success of investigations in these areas is directly dependent on the scientific and technical support and service provided through this program.

Organized crime and white-collar criminals and foreign intelligence operatives are using more sophisticated methods to further their unlawful activities. The unique expertise of FBI Laboratory examiners is being called upon regularly to provide such services as document, polygraph, gambling, and loansharking examinations and to provide scientific analysis of physical evidence submitted in all areas of Federal jurisdiction. Other services provided to Federal law enforcement include analysis of secret writing, cryptanalysis, translation, surveillance photography, and the preparation of trial charts and three-dimensional models which are often necessary to demonstrate the results of Laboratory analysis or examination.

The Forensic Services-Non-Federal program makes the extensive resources and services of the FBI Laboratory available, when requested, to law enforcement officers throughout the country so as to facilitate investigations and prosecutions in criminal matters. Although the Laboratory will continue to provide case examination services to state and local enforcement, it will be deemphasized and eventually limited to the more complicated examinations and/or jurisdictions that do not have laboratories possessing the capability to conduct the requested examinations.

The major thrust of the Forensic Services - Non-Federal program will be in the areas of research and training at the new Forensic Science Research and Training Center at the FBI Academy. The FBI Laboratory plans, budget permitting, to train examiners from state and local laboratories through short courses consisting of practical bench techniques for examining physical evidence. This will

Exhibit No. 39

prepare these laboratories to assume more of the examination workload and lessen their dependence on Federal Laboratories. To implement this, the FBI has instituted two new policies: 1. A new system of priorities placing FBI cases over state and local cases except those with national implications and 2. A policy of returning cases submitted by state and local crime laboratories if they have the capability to conduct the requested examinations. Other policies for gradual and controlled reduction of state and local dependence on Federal laboratories are presently being considered by the FBI.

FBI LABORATORY ACCOMPLISHMENTS

During fiscal year (FY) 1980, 619,454 scientific examinations were conducted by the FBI Laboratory. This represents a 24.1% increase over FY 1979. This increase is due in part to the complexity of the quality cases now being emphasized in FBI investigative programs and also partly related to advancing available technology which has broadened the examination potential for much of the evidence received.

Of the 619,454 examinations performed, 378,149 or 61% were in connection with Federal cases and 241,305 were for state and local law enforcement. In support of conclusions reached in these examinations, laboratory experts testified over 800 times and were prepared to testify in 181 additional cases but did not take the stand because of guilty pleas, continuance, etc.

Other notable accomplishments include the translation of 32,426 foreign language specimens; 2,111 polygraph examinations in connection with Federal investigations; and the preparation of 1,002 investigative aids.

CURRENT FBI LABORATORY RESEARCH AND TRAINING EFFORTS

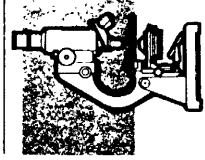
The FBI Laboratory engages in a full program of training in forensic science disciplines for Federal, state and local law enforcement and crime laboratory personnel. During Fiscal Year 1980, over 900 Federal and 2,200 state and local personnel received training which is geared toward further professionalizing laboratory personnel and reducing the dependence of state and local law enforcement on Federal facilities.

In order to stay abreast of advancing technology, the FBI Laboratory engages in a research program which encompasses the entire range of forensic disciplines and focuses on targets identified through close liaison not only with FBI investigators, but with the entire law enforcement community. Results of this research are shared through publication of the "Crime Laboratory Digest" which is circulated throughout all law enforcement sectors. Laboratory scientists also prepare articles for various scientific journals. The most notable advances in research during the past year include the sexing of a dried bloodstain, furtherance of a more economical and timesaving technique for identifying stolen gasoline in bulk quantities.

The \$4.1 million Forensic Science Research and Training Center being constructed at the FBI Academy, Quantico, Virginia is on schedule and should be completed by Spring, 1981. This facility with its sophisticated instrumentation and equipment will allow the FBI Laboratory to increase research and training significantly.



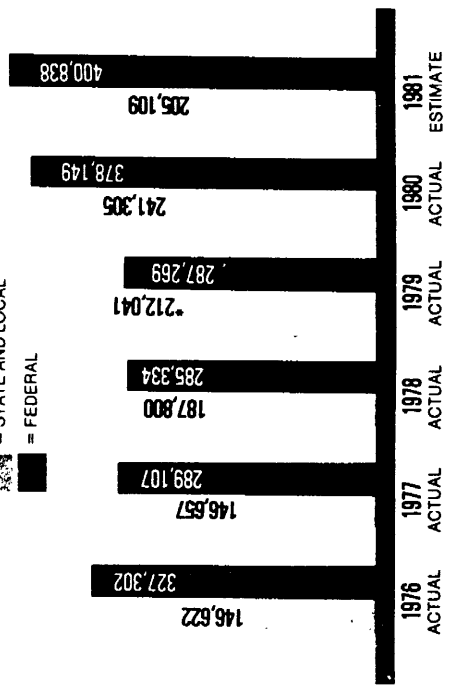
U. S. Department of Justice
Federal Bureau of Investigation



FBI Laboratory Examinations for Federal, State and Local Agencies

Fiscal Years

■ = STATE AND LOCAL
■ = FEDERAL



*TOTAL INCLUDES 544 EXAMINATIONS CONDUCTED FOR U. S. POSSESSIONS AND FOREIGN AGENCIES.

FINGERPRINT IDENTIFICATION

THE FBI STILL MAINTAINS THE LARGEST FINGERPRINT STORAGE AND RETRIEVAL SYSTEM IN THE COUNTRY. LATENT FINGERPRINT EXAMINATIONS AND EXPERT TESTIMONY ARE ALSO AVAILABLE. UNDER THIS REQUEST THE FINGERPRINT IDENTIFICATION PROGRAM WILL REQUIRE 3,031 POSITIONS AND \$63,954,000, AN INCREASE OF \$1,275,000 FROM THE PREVIOUS YEAR. IT SHOULD BE NOTED THAT PART-TIME POSITIONS EQUIVALENT TO 129 WORKYEARS HAVE BEEN AUTHORIZED FOR THIS PROGRAM. THE FOLLOWING EXHIBITS RELATE TO FBI FINGERPRINT OPERATIONS:

FINGERPRINT OPERATIONS

Since 1924, the FBI's Identification Division has served as the national repository and clearinghouse for fingerprint records and as such furnishes identification and arrest record services to over 17,300 agencies which are authorized to utilize the Division's services. By submitting fingerprint record requests to the Identification Division's "locator" or "index" of nationwide arrest activity, agencies avoid making costly inquiries of all other states. The mobility of today's criminal necessitates prompt, efficient, and complete record checks, which can only be accomplished by use of a central point of inquiry provided by the Identification Division.

When created by an Act of Congress in 1924, the Identification Division files contained approximately 810,000 fingerprint records received from the National Bureau of Criminal Identification and the Leavenworth Penitentiary. As of October 31, 1980, the division contained over 173 million fingerprint cards of which over 78 million reflect arrest data for approximately 20 million individuals. The remaining 93 million fingerprint cards represent over 44 million persons who have been fingerprinted in connection with employment in Federal Government agencies, military service, alien registration, and personal identification.

The great amount of reliance placed upon the Identification Division's services is evidenced by the Division's continuous enormous workload. During each workday of fiscal year 1980, the Division received an average of 43,691 requests for services of which 25,120 were fingerprint cards and 18,570 were requests for name checks, identification records, and other types of correspondence, including requests to expunge or purge arrest data previously submitted. Over 17,300 agencies utilize the services of the Identification Division. Their access to the Division's records is governed by Federal statutes, regulations, and executive orders. Authorized users include: Federal, state, and local criminal justice agencies; Federal, state, and local government agencies and officials for employment and licensing purposes; certain foreign governments for law enforcement purposes; and banking and securities institutions for employee security purposes.

The following services are provided by the Identification Division: fingerprint card identification; arrest recordkeeping; posting of wanted and probation/parole

notices; the examination of physical evidence and crime scenes to detect latent fingerprints and providing expert court testimony as to the results; fingerprint training; and the identification of amnesia victims and unknown deceased persons.

Included in the major accomplishments of the Identification Division for fiscal year 1980 were the following: the receipt of over 6.3 million fingerprint cards and over 4.6 million other pieces of correspondence; the identification of 17,330 fugitives by their fingerprints; the implementation of computerized name searching of automated arrest records; the performance of 23,040 latent fingerprint examinations, some of which involved advanced laser equipment technology; and the furnishing of assistance in the identification of deceased victims of two disasters. The FBI Disaster Squad traveled to Warsaw, Poland, to assist in the identification of Americans (including members of the U. S. Amateur Athletic Union Boxing Team) who lost their lives in the crash of Polish airliner on March 14, 1980, as well as to Washington State to assist in the identification of victims of the May 18, 1980, volcanic eruption of Mount St. Helens. Fiscal year 1980 was also the last year of a three-year effort to convert to computer readable form, the fingerprint data on the cards of individuals born on or after January 1, 1929, contained in the criminal fingerprint file. This approximate 900 work-year effort was completed on schedule with the conversion of over 13.5 million fingerprint cards, thus making this data available for future automatic fingerprint searching procedures.

IDENTIFICATION DIVISION ACCOMPLISHMENTS

The Identification Division's workloads continued at high levels during fiscal year 1980. The following table lists some of the workloads and production accomplishments of the Division in fiscal year 1980:

<u>Type of Accomplishment</u>	<u>Number</u>
Fingerprint cards received	6,330,274
Correspondence, forms and name checks received	4,679,742
Wanted and probation/parole notices in file	212,269
Fugitives identified by fingerprints	17,330
Latent fingerprint cases handled	23,040
Suspects identified from latent fingerprint examinations	3,994
Federal, state and local court appearances made by Fingerprint Examiners	342
Sentences resulting from court proceedings:	
Prison terms (Years)	2,011
Life sentences	22
Expungement and purge requests processed	400,665
Nonserious offense entries deleted from arrest records	407,601

AUTOMATED IDENTIFICATION DIVISION SYSTEM (AIDS)

The Automated Identification Division System (AIDS) is the name given to the FBI's project to automate the fingerprint work operations carried on in its Identification Division. Because of the enormity of the undertaking, AIDS is being implemented in phases (called AIDS-I, AIDS-II, and AIDS-III) over a period of several years. Significant progress has been made to date as indicated below:

AIDS-I

This phase of automation provided for the building of a computerized file of identification and arrest data on first offenders, the generation of name index cards for the Division's manual criminal name indices, and the generation of "No Record" or arrest record responses to fingerprint cards, name checks, and other types of inquiries. AIDS-I became operational on August 30, 1973, and since that time over 5 million first offender records have been entered into the system and kept updated with subsequent arrest and related data. On October 18, 1979, AIDS-I was phased over to AIDS-II.

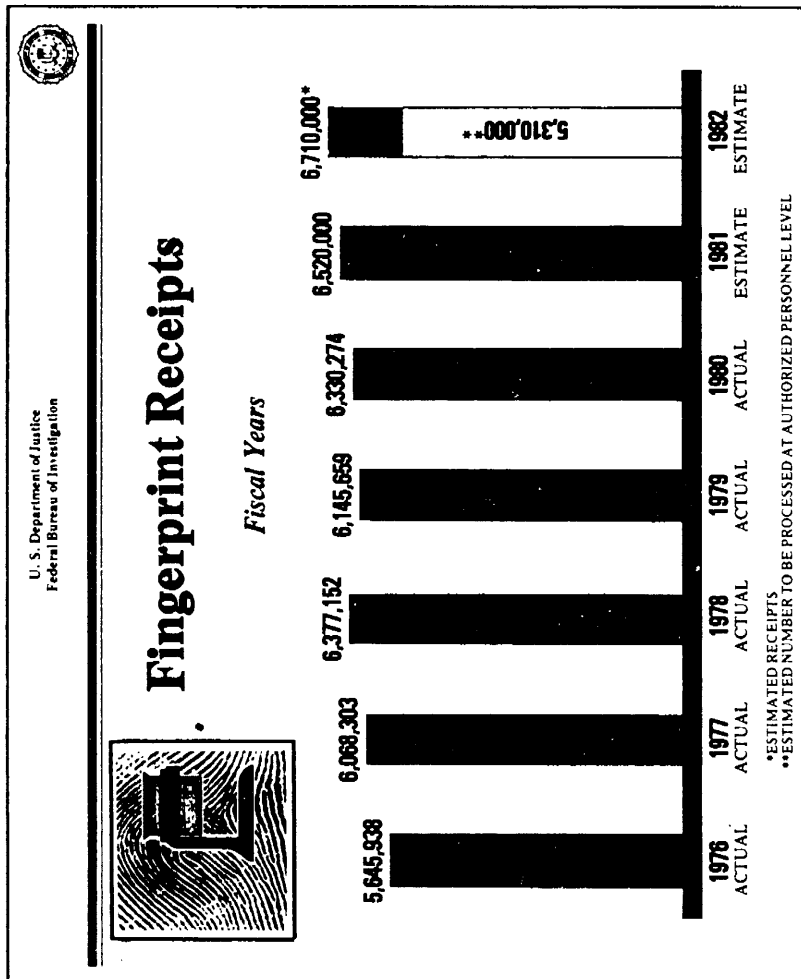
AIDS-II

As indicated above, AIDS-II took over AIDS-I operations as of October 18, 1979. This phase of automation provides for enhanced AIDS-I capabilities (e.g., allows for "on-line" processing versus previous "batch" processing) and the addition of computerized name searching capability in place of the generation of name index cards for the manual criminal name indices. Computerized name searching of the automated arrest record file was initiated on October 29, 1979.

AIDS-III

This phase of automation is still under development. It is the most difficult and complex phase since it has required the invention and development of special purpose computer equipment and computer programs to duplicate the remarkable faculties of the human eye and brain in examining fingerprints. As a result of a research project initiated in 1967, automatic fingerprint reader equipment was developed which can "read" fingerprints and record their identifying characteristics. The National Bureau of Standards, in cooperation with the FBI, has developed computer programs which can compare and match the fingerprint data generated by the automatic fingerprint readers. Five such readers have been used to computerize the fingerprints appearing on fingerprint cards relating to arrestees born on or since January 1, 1929.

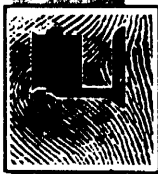
Over 13.5 million arrest fingerprint cards have been converted as a part of a three-year 900 work-year effort which was completed by September 30, 1980. A pilot AIDS-II project has been in operation since May 1979, to demonstrate and evaluate AIDS-III capabilities. The pilot project utilizes the automatic fingerprint readers, prototype fingerprint matching equipment, and semi-automatic fingerprint classification procedures. The project has been so successful in demonstrating the ability to perform automated technical searches in the fingerprint file that, as of October 3, 1980, manual technical searches were discontinued and replaced by automated searches in one of 23 searching units. The Jet Propulsion Laboratory (JPL) is currently under contract to study the technical, economic and operational feasibility of AIDS-III, its estimated cost, and the time frame for completing the system. Future budget requests for funds to implement AIDS-III will be based on the results of the JPL study.





U. S. Department of Justice
Federal Bureau of Investigation

Number Of Fingerprint Cards On File



78,133,867

65,117,737

TOTAL: 173,181,976
As Of October 31, 1980

12,555,900

11,570,590

5,803,882

CRIMINAL	FEDERAL GOVERNMENT (INCLUDING MILITARY)	ALIEN	MISCELLANEOUS APPLICANT	PERSONAL IDENTIFICATION
78,133,867	65,117,737	12,555,900	11,570,590	5,803,882

ESTIMATED NUMBER OF PERSONS REPRESENTED:

For the 78,133,867 prints in the criminal file..... 20,504,808
For the remaining prints totaling 95,048,109 all of which are in the civil file..... 44,029,504

TOTAL ESTIMATED PERSONS REPRESENTED 64,534,312*

* WITHOUT ACCOUNTING FOR PERSONS DUPLICATED IN BOTH FILES.

AUTOMATIC DATA PROCESSING AND TELECOMMUNICATIONS

BY BEING RESPONSIVE TO THE FBI'S INFORMATION PROCESSING NEEDS, THE AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS PROGRAM ALLOWS THE BUREAU TO PLACE GREATER EMPHASIS ON THE INVESTIGATION OF ORGANIZED CRIME, WHITE-COLLAR CRIME AND FOREIGN COUNTERINTELLIGENCE MATTERS. A TOTAL OF \$47,568,000 AND 406 POSITIONS IS REQUESTED FOR THIS SUPPORT. THIS INCLUDES A \$9,012,000 INCREASE FOR OPERATION OF THE FBI HEADQUARTERS COMPUTER CENTER, IMPLEMENTATION OF THE NORTHEAST REGIONAL COMPUTER CENTER, THE INTEGRATION OF INFORMATION SYSTEMS INTO ONE NETWORK, AND CONTINUED DEVELOPMENT AND IMPLEMENTATION OF AN ADMINISTRATIVE SUPPORT SYSTEM. UTILIZATION OF THESE RESOURCES IS FURTHER EXPLAINED IN THE EXHIBITS WHICH FOLLOW:

AUTOMATIC DATA PROCESSING AND TELECOMMUNICATIONS PROGRAM (ADPT)

The ADPT program provides the FBI with information collection, storage, retrieval, and dissemination capabilities through the use of automatic data processing, telecommunications, and word-processing resources. The FBI has followed a policy of using ADPT resources to directly support investigative as well as administrative requirements wherever it would achieve greater efficiency. In addition to meeting its own vital mission-oriented information processing requirements, the FBI also dedicates a significant amount of its data processing resources to support certain related needs in the entire criminal justice community. The investigative, administrative, and law enforcement support systems are managed centrally to make the most efficient use of the FBI's computer resources.



U. S. Department of Justice
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Utilization Of Professional Computer Personnel In Fiscal Year 1980

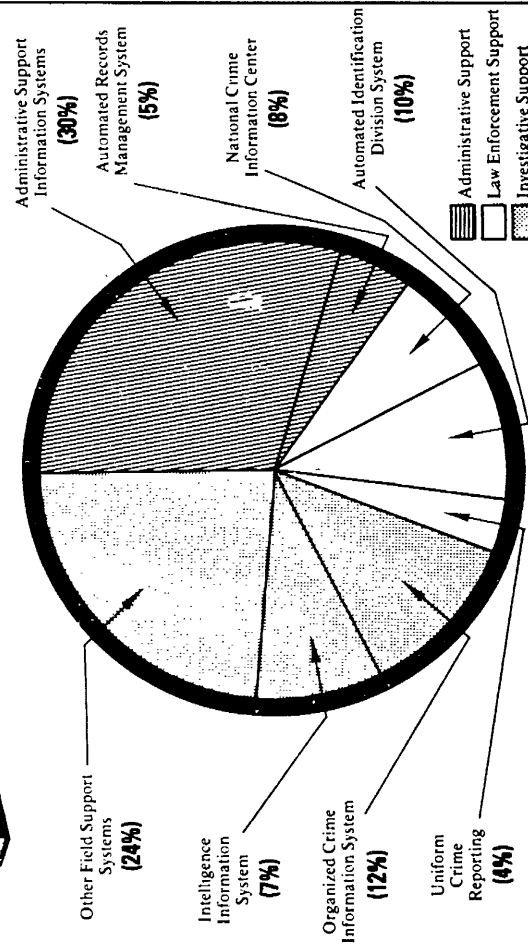


Exhibit No. 49

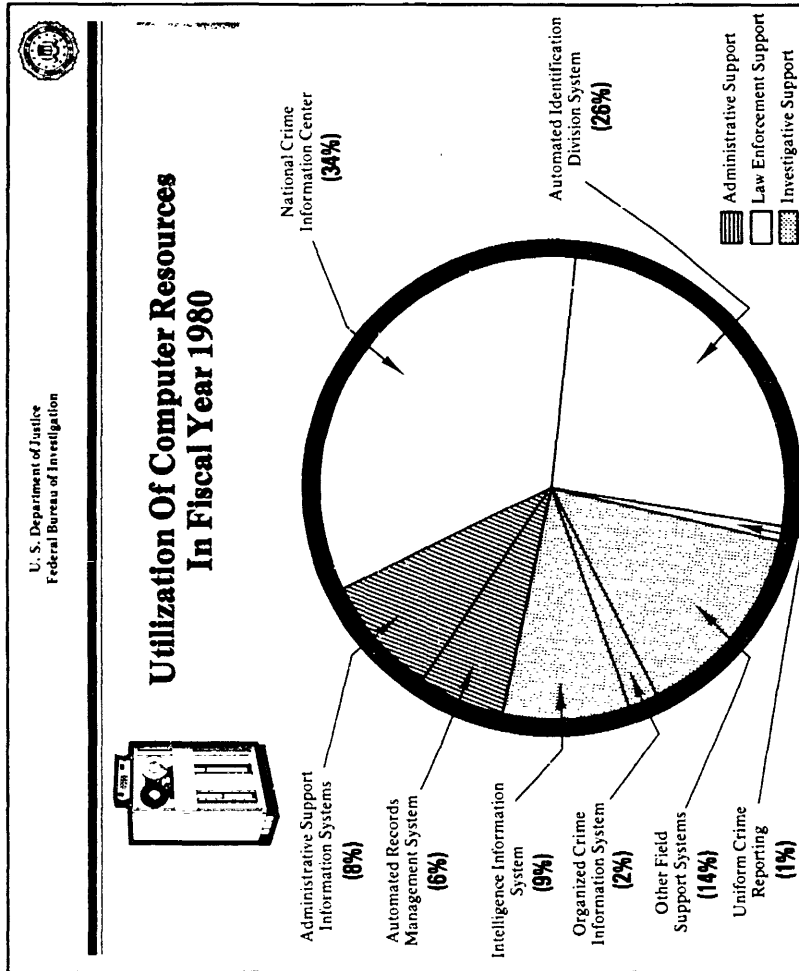


Exhibit No. 50

CRIMINAL JUSTICE DATA AND STATISTICS SERVICES

THE FBI COMPILES AND PUBLISHES THE UNIFORM CRIME REPORT, WHICH PROVIDES THE INCIDENCE OF REPORTED CRIMES THROUGHOUT THE UNITED STATES AS SUBMITTED BY APPROXIMATELY 15,000 INDIVIDUAL AGENCIES. THE FBI ALSO MAINTAINS THE NATIONAL CRIME INFORMATION CENTER WHICH PROVIDES INFORMATION ON STOLEN PROPERTY, WANTED PERSONS, MISSING PERSONS, AND CRIMINAL HISTORIES TO CRIMINAL JUSTICE AGENCIES. TO CONTINUE THESE FUNCTIONS, \$5,290,000 AND 196 POSITIONS WILL BE REQUIRED. THE FOLLOWING EXHIBITS WILL FURTHER DESCRIBE THIS PROGRAM AS WELL AS DEPICT THE PERCENTAGE CHANGE OF CRIME IN THE UNITED STATES BETWEEN CALENDAR YEARS 1975 AND 1979:

NATIONAL CRIME INFORMATION CENTER (NCIC)

The NCIC is a nationwide criminal justice information teleprocessing network which provides documented criminal information to the entire criminal justice community. NCIC contains records on stolen property, i.e., vehicles, license plates, guns, securities, boats and serialized articles; wanted persons for whom arrest warrants are outstanding; criminal histories on persons arrested for serious offenses; and missing persons meeting specific entry criteria. An NCIC Advisory Policy Board, made up of Federal, state, and local criminal justice officials, furnishes advice to the FBI Director on policy matters concerning NCIC operations and thereby allows the users a voice in the overall management of the system. The users of NCIC, which include the criminal justice agencies in the 50 states, all Federal law enforcement agencies, the Royal Canadian Mounted Police, and the Police of the Commonwealth of Puerto Rico, obtain these services on a non-reimbursable basis.



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Breakdown Of Records In NCIC Computer

As Of November 1, 1980
Total 8,810,543

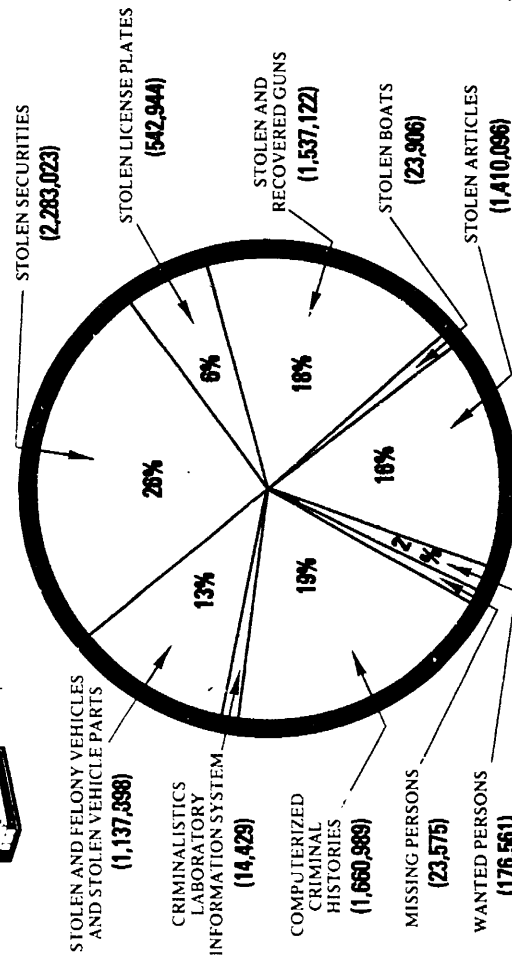


Exhibit No. 52

UNIFORM CRIME REPORTING

The Uniform Crime Reporting Program was conceived and implemented by our Nation's law enforcement agencies 50 years ago. Two basic needs were recognized. First, it was believed the American people deserved an accounting of the extent and nature of criminal activity. Second, law enforcement leaders needed an administrative tool to better manage their departments.

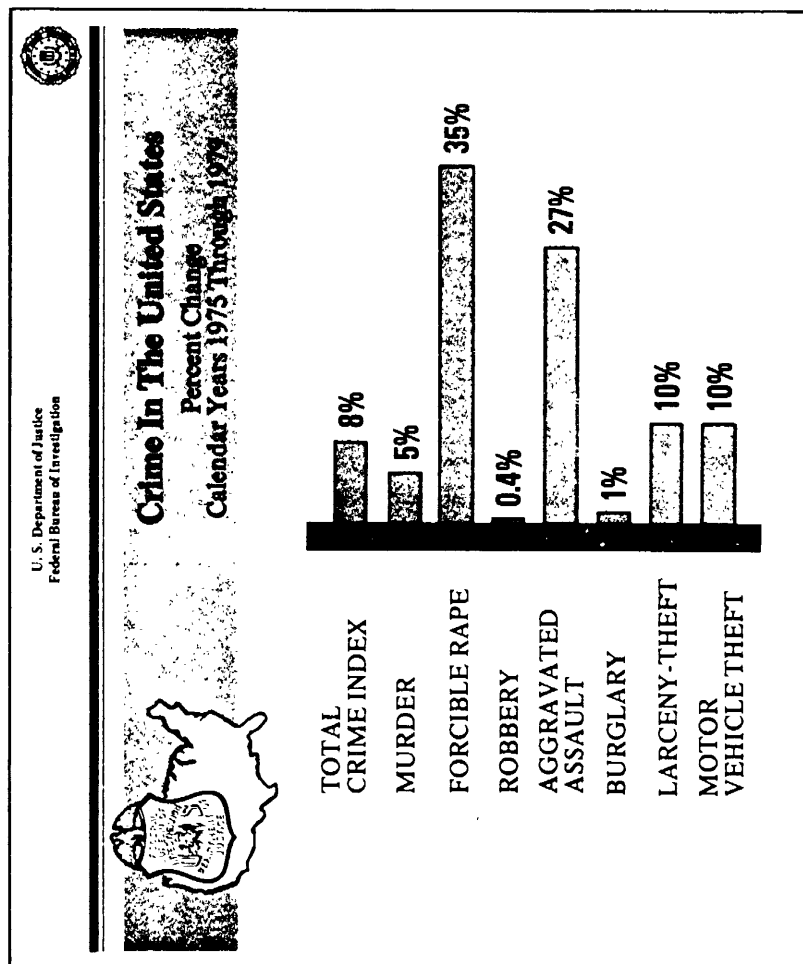
On a monthly basis, this Program collects statistical data concerning the incidence of criminal acts from over 15,000 individual law enforcement agencies nationwide. Data collection is grouped according to certain basic types of offenses, which are murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Additionally, statistical information on arrests, property loss, and other factors relevant to criminal activity is aggregated. Analyzed data are published in several formats such as:

1. Semiannual releases indicating crime trend information in each of eight categories of crime.
2. Annual publication of "Crime in the United States."
3. Annual publication of "Assaults on Federal Officers."
4. Annual and monthly releases concerning bombing incidents in the United States.
5. Annual and monthly releases of law enforcement officers killed.

When first implemented, the Uniform Crime Reporting Program was used on a relatively limited basis. Now, however, this program is relied upon by many people and organizations from widely varying professions. Scholars depend upon this data to better understand the seriousness of crime and its effect on our society. Legislators rely upon it for direction in developing necessary legislation to more effectively combat crime. Administrators from all levels of the criminal justice community use information about the incidence of crime to plan their activities so as to have the maximum impact on the criminal element.

Substantial cooperative efforts at all levels of the law enforcement community are necessary in gathering the data upon which the Uniform Crime Reporting Program depends. The benefits derived from the program are indeed significant and have resulted in an increased understanding of the crime problem which confronts the citizenry of this country.

Exhibit No. 53



Mr. WEBSTER. Mr. Chairman and members of the subcommittee, I am pleased to appear before you today in support of the FBI's appropriation request. For fiscal year 1982 the FBI is requesting \$739,613,000, representing an increase of 8.3 percent or \$56,730,000 above the amount required for fiscal year 1981. This request will provide 19,421 permanent positions, an increase of 115 positions over the 1981 level.

Of the increased positions, 51 positions are being requested to address current workload demands in our field investigative programs. The FBI will continue to place priority investigative emphasis on foreign counterintelligence, white-collar crime, and organized crime during fiscal year 1982. Increased funding of \$1,423,000 is requested for our organized crime program, which during fiscal year 1980 utilized 19 percent of field special agent time.

Increased funding of \$1,122,000 is requested for the white collar crime program, which utilized 25 percent of field special agent time during the past fiscal year. While no additional positions are requested for these two programs, the increased budget authority will enhance undercover operations, payments to informants and enable greater use of aircraft surveillance in these highly sophisticated investigative programs.

We have enjoyed substantial success in these priority investigative programs during the past fiscal year, particularly with the use of the undercover technique, and expect this progress to continue in the future. During fiscal year 1980, 597 convictions were recorded in organized crime matters. In one case in the white-collar crime area of energy fraud, an oil company was convicted in Oklahoma for violation of the Racketeer-Influenced and Corrupt Organization statute, resulting in the forfeiture of a multi-million-dollar office building.

As you know, Mr. Chairman, the RICO statute permits forfeiture, and we are now seeing courts take advantage of those provisions. We are, at the same time, fully cognizant of the rise in violent crime in the United States and we continue to enforce those laws within our jurisdiction which impact on these problems. We continue to pursue fugitives from justice and investigate bank robberies, kidnappings, extortions, assaults on Federal officers, aircraft hijackings, gangland slayings, and terrorist activities.

As examples of this effort, the arrest in Florida of Joseph Paul Franklin and his subsequent conviction in Utah for the killing of two black men in Salt Lake City were the result of a nationwide FBI investigation. Franklin is suspected in other continuing homicide, bank robbery and civil rights investigations across the country. At this time, an FBI task force of 30 special agents is probing the disappearances and murders of the children in Atlanta, Georgia. We continue the investigation into the assassination of United States District Court Judge John H. Wood, who was murdered in May, 1979. I am happy to report that we expect to have a solution to this case in the very near future.

In the investigative support activity, we are requesting 45 additional positions and increased budget authority primarily to enhance training, forensic, technical, ADP, and telecommunications support to our field investigative programs. In particular, the ADP and telecommunications program includes an increase of over \$9

million to improve the FBI's capability to collect, store, retrieve and disseminate both investigative and administrative information. The Organized Crime Information System, which is a computerized data processing system designed to improve our capabilities to analyze investigative information, is currently operational in nine of our field offices, and it will be expanded to an additional seven field offices in fiscal year 1982.

The enhanced ADP and telecommunications funds will also enable establishment of a prototype computer center to serve the New York Division and which will eventually serve eight FBI offices in the Northeast United States. This will in turn mark the beginning of the integration of our various computerized information systems into a single network.

This spring, Mr. Chairman, we will open our new Forensic Science Research and Training Center at the FBI Academy in Quantico, Virginia. This facility will allow the laboratory to increase research and training significantly. Our fiscal year 1982 appropriation request includes \$1,400,000 to be used for the purchase of sophisticated laboratory equipment for this facility.

Mr. Chairman, these are highlights of our fiscal year 1982 budget request. I have entered into the record a more detailed statement with exhibits, and I will now be happy to respond to any questions by you or other members of the committee.

FUNDING FOR INVESTIGATIVE SPECIALS

Mr. SMITH. Mr. Director, of course we have had many things happen. We have had the tragedies in Atlanta, and the Jordan incident and a number of others that have become major users of resources in your department. For example do you have any idea what the Jordan investigation will cost?

Mr. WEBSTER. I don't think I am in a position to give you that information now. I can attempt to make an estimate or supply it for the record. The Jordan investigation is part of a broader-based investigation focused right at the present time on Franklin, whom I mentioned earlier. We had at various times in the range of 20 to 40 agents working full time on that investigation. As the additional leads diminished, we reduced the number of people who were working on that particular one. Very recently, because of additional information that has developed as a result of the Franklin investigation, we have increased our activity there, because we have been able to develop new and convincing evidence.

Mr. SMITH. Would it be in the hundreds of thousands of dollars or in the millions?

Mr. WEBSTER. I would say it is in the hundreds of thousands, yes.

Mr. SMITH. To what extent do you use agents and resources that are, for example, characterized in your budget as domestic terrorism?

Mr. WEBSTER. None of the incidents that you mentioned qualify or are a part of the domestic terrorist program. The domestic terrorist program is concerned with organizations and individuals associated with organizations who are engaging or conspiring to engage in acts of force or violence directed against the United States.

Mr. SMITH. Does all of this, then, come out of your general investigative funds?

Mr. WEBSTER. In the Atlanta case, the investigative effort is coming out of the personal crimes program. The Jordan case would be out of the civil rights program. The Buffalo case involves a civil rights investigation, but the Atlanta case is predicated on the possible kidnapping as a basis for jurisdiction.

COMPUTERIZED INFORMATION SYSTEMS

Mr. SMITH. Does the computerized system that was started some years ago have as much information in it as would be desirable? What are the shortcomings of the system? Of course, the system is only as good as whatever information is put into the system.

ORGANIZED CRIME INFORMATION SYSTEM

Mr. WEBSTER. That is absolutely right. We use computers in a wide variety of ways and they are funded through different programs within the budget. I mentioned organized crime in my statement. About two years ago we started to develop a more reliable and rapid system for identifying organized crime activity in particular areas, given the current mobility of organized crime members and activities. The early stages in evolution of organized crime investigations seemed to involve an awful lot of what notorious LCN figures ate, who they slept with, and really did not focus on the types of enterprises they were involved in and who they knew and were connected with in other parts of the overall organized crime apparatus, including what we call the National Commission.

The Organized Crime Information System, which we call OCIS, is perhaps the most sophisticated program that we have. It was very carefully constructed under the supervision of Al Bayse, Assistant Director for the Technical Services Division, who is an expert in this field. It took a long time to prepare and enter the material, starting with Detroit as our pilot operation, and then moving to Philadelphia and New York. We are going forward now confident that we have the right kind of information, and in the next budget will be able to add additional cities to it.

Any city, such as Detroit, would then, with a secure system, be able to access the computer for information that would be useful in terms of a local investigation, to determine whether or not there are others in the same area with new information and new connections. That is going to be an ongoing institutionalized computer base for the investigation of organized crime.

We are at a point in our experience where we know a great deal more about organized crime mechanisms and units than we did, say, 20 years ago when I was a United States Attorney being told that there wasn't anything like organized crime except for some loose familial relationships.

I think last year was the best year in the history of the FBI. Starting on the West Coast, we eliminated the LCN family in Los Angeles by convictions, convicted Joseph Bonnano, Sr., after 30 years of effort, indicted Carlos Marcello, who is going on trial, convicted Nick Civella, the head of the Kansas City operation;

convicted Frank Tieri, who just died but was the head of the Genovese family in New York; indicted about nine of the Testa family; including Testa himself who was just blown up in Philadelphia after he succeeded to the Bruno empire in Philadelphia. We also had over 109 convictions in the UNIRAC investigation of the longshoremen, docking and warehousing industry on the East Coast.

Mr. SMITH. Convictions, you said?

Mr. WEBSTER. Yes, convictions. Approximately 125 were, indicted, while 109 have been convicted to date, including Anthony Scotto. So, we are at a point where this computer ability to put in place and retrieve and analyze information about organized crime puts us in a position to strike hard at the top of these enterprises, where before we have had to content ourselves with almost street busts of people who insulted the higher figures.

INVESTIGATIVE SUPPORT INFORMATION SYSTEM

Then we have the capacity for about 30 specials, as we call them, in which, because of the size of the investigation, and the amount of data that has to go into it, we can put in place and provide room in the host computer terminals to collect and store information in specific investigations. The assassination of Judge John Wood is an example of that.

We are using the computer now in Atlanta. We are limited in resources to about 30 of these cases, and we try to keep one unit of capability in spare for a critical situation. We will be using the computer to make sure that we have all of the data in connection with the assassination attempt earlier this week.

RESOURCE MANAGEMENT INFORMATION SYSTEM

The ability to use the computer in increasing the effectiveness and efficiency of our administrative process, just as other businesses in operation do, is coming into play. In our Richmond division now for about three years we have been experimenting with various techniques of managing personnel matters, internal data, administrative matters through the computer. We have 426 resident agencies which are satellite offices to the 59 field divisions, and records have to be taken back and forth. Information has to be exchanged over the telephone, or dictaphone, and with a lack of stenographers—there is a whole range of problems. With computer terminals we expect that we will bring ourselves up a quantum leap in terms of efficiency and effectiveness in managing a lot of information now only in paper form which is what investigative work consists of in the end, the ability to collect and understand and retrieve information.

NATIONAL CRIME INFORMATION CENTER SYSTEM

Finally, the NCIC system, which we manage for all of State and local law enforcement and ourselves, involves the use of computerized information relative to fugitives, stolen automobiles, stolen property, matters of that kind. We are processing over 300,000 transactions every day on our NCIC system.

Mr. SMITH. Do some localities have great limitations on what they can put into the NCIC system?

Mr. WEBSTER. We use an advisory board to try to develop standards so that everyone is putting the same kind of information into the computer in a particular standardized way, and the local law enforcement people help us identify the kind of information they need within possible ranges. There has been in the past, and you may be referring to it, a concern about criminal history information, and we only have a very few organizations involved in that. It is shrinking, and so we have developed an alternative method which we have advised the appropriate committees of Congress about as we have gone along. It involves the use of a different system, the NLETS system, an existing system outside the FBI, for the handling of that information, to try to relieve ourselves of the buzzword problem that message switching entailed a few years ago. But in the main, in the kinds of incidents I gave you where the police officer wants to know whether the fellow in the car he is stopping is dangerous or wanted or the car is stolen, that type of information is all standard throughout the United States.

Mr. SMITH. For example, does it include an arrest prior to indictment?

Mr. WEBSTER. Oh, the information that is contained?

Mr. SMITH. Yes.

Mr. WEBSTER. We do maintain records of that kind, but we are all under some constraints to keep our records clean on those issues, and we rely on State and local law enforcement people to keep the records that they put into the system current, because they are going to be utilized by other people.

AUTOMATED IDENTIFICATION DIVISION SYSTEM

There is one other computer that I did not mention, if you will forgive me, and that is in our Identification Division. We are computerizing all current first-offender fingerprint cards as they come in both as to the name index and as to the fingerprint cards themselves. Our research into fingerprint automation is continuing; and, although we have been set back a few years by studies and restudies and matters of that kind, my goal is to build a system which will permit us to take latent fingerprints developed by use of our laser technology and use the computer to identify them on the basis of one or two fingerprints, rather than the 10 fingerprints we now require.

Mr. SMITH. With regard to the young man who attempted to assassinate the President this week, apparently he was not in the NCIC?

Mr. WEBSTER. No. He had only one previous arrest, which was a local misdemeanor charge in Nashville, and unless it were a serious misdemeanor he would not have appeared in that system but we did find we had a local record about him when we circulated the field for information relative to him. We did have a local memorandum on that. We were notified by the local police of the misdemeanor charge.

Mr. SMITH. Misdemeanors are sometimes put in?

Mr. WEBSTER. Yes, if serious misdemeanors. This particular record was maintained in our local indices in the Nashville office.

Mr. SMITH. I see.

Mr. WEBSTER. But the nature of it did not rise to the type of material that we would have collected for our indices here in Washington.

Mr. HIGHTOWER. Mr. Chairman, would you yield at that point?

Mr. SMITH. Yes.

Mr. HIGHTOWER. Might it not be a good idea to include in the record misdemeanor offenses involving firearms?

Mr. WEBSTER. If the person is arrested and fingerprinted, we are very apt to have that type of record in our identification division.

Mr. SMITH. Even though it is a misdemeanor?

Mr. WEBSTER. Even though it's a misdemeanor.

Mr. SMITH. Is there a better way to retrieve the information that goes into the system from local governments from the standpoint of alerting law enforcement people to the possibility that someone under surveillance may be involved in a certain kind of crime?

Mr. WEBSTER. I think we should look at that, and look at it carefully, not precipitously, to see if there is any way we can improve it. You are talking about quantum of information that might serve simply to make it impossible to really identify the main problem areas. What I think we should look for in terms of dissemination, and we are talking about two things, collection and dissemination. We first, of course, have to collect it before we can disseminate it, but having collected it we try to accommodate other law enforcement agencies who have a need to know what we have in store, and we do that by various types of protocols or memoranda of understanding between us as to what types of things they want us to give them.

Mr. SMITH. Are some cities much better at providing information than others?

Mr. WEBSTER. Yes.

Mr. SMITH. I recall a few years ago there was a boy who killed a little girl in Des Moines and he escaped to Missouri. I think he might have escaped twice, and he was at large.

Mr. WEBSTER. That is right.

Mr. SMITH. And the people in Des Moines didn't even know it.

Mr. WEBSTER. I can't quite recall the details, but I think it involved Indiana and not Iowa, if you will recall the mass murderer in Illinois.

Mr. SMITH. Correct. He fled to Iowa too.

Mr. WEBSTER. Was that Iowa too?

Mr. SMITH. Yes, it was.

Mr. WEBSTER. There was something about not being part of the criminal history system, so they had not entered that in our system. We didn't have anything about him. We rely on the local agencies to give us that information. In the NCIC system we, of course, collect our own criminal records having to do with Federal offenses, so when the Secret Service asked for information from us, we gave them what we had, but we didn't have that.

RECENT INVESTIGATIONS

Mr. SMITH. Why did it take so long to get the indictment, having come as far as you have? I know you are not through with it yet in regard to the dock problems.

Mr. WEBSTER. I don't think it has taken so long. If you look at it, I think it has been rather amazing how far we have come. It took us about a year with 100 agents working full time out of 20 field offices on a highly coordinated, sophisticated effort, including many undercover operations. We used the whole scheme.

Mr. SMITH. I had an agent from the Small Business Committee in Florida at least three years ago and he ran into your people and we withdrew. We didn't know you were doing anything in that area.

Mr. WEBSTER. We started it in Miami and worked our way up. We also looked into New Orleans but we found a different climate there. We also found an entirely different climate on the West Coast. It just doesn't exist out there in the same way as the pervasiveness that we have on the East Coast. We needed the help of informants. We had a witness who was involved down there and decided he had enough and would come forward and help us. They are the kind of people I keep trying to protect by changing the Freedom of Information Act to be sure we can protect them. With the witness' help we were able then to begin to make a plausible undercover set of operations and begin to bring more and more people in. That case was made largely by developing cases against lower echelon people who then bargained with us in terms of helping us reach up into the higher echelons who were responsible and getting most of the ripoffs and kickbacks, in exchange for recognition of their cooperation before the courts. So it was a squeeze to get that case put together, because we first had to put the squeeze on the lower people who, out of self-interest, then cooperated with us in the courts.

Mr. SMITH. There are business people all over this country that have something shipped in and when they receive it wires are torn out or it is damaged because somebody did not pay off at the dock.

Mr. WEBSTER. That is right. That docking enterprise has an enormous impact upon all of us as citizens in terms of the quality and prices of the goods that we receive and use as consumers, and it had been going on so long that it was accepted practice that you couldn't do business unless you were prepared to do it that way.

Mr. SMITH. There is one other thing. I have a number of other questions but I will pass to the other members in just a second. We have gone into this before. We have had situations on the docks where perishables are unloaded and responsibility for the people on the dock is disclaimed. Then they engage in extortion, requiring the trucker, whether he wants to or not, to pay them enormous sums to unload a truck.

Mr. WEBSTER. Or see it perish.

Mr. SMITH. In the San Francisco case the FBI said that it is a local problem. The local people said, "Well, that is a national problem and we won't bother with it." Well, we finally did get a bill passed last year that I think will solve the problem if the ICC has the people. However, in their budget they have denied them the people that it takes to enforce that new amendment. And so, unless they get the money in the transportation appropriations, and that is going to be difficult, we are going to be right back in the same position. I hope if you are cognizant of that you will take another look at it.

Mr. WEBSTER. I will be glad to do that.

Mr. SMITH. It just shouldn't be neglected.

Mr. WEBSTER. I will be glad to do that.

Mr. SMITH. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

I don't see anything more important than solving the Wood case, Mr. Director. We discussed this before. It used to be when a policeman or an FBI Agent was shot, everything stopped and every effort was made to solve the case. Now it is judges. The whole judicial system will break down. I see the Judiciary quivering now with grave reservations about threats on their lives, and innuendoes. How many agents do we have on the Wood case?

Mr. WEBSTER. I can't give you the number at the present time. At one point when we started the investigation we had about 40 working full time. I am sure you understand that it is not a question of numbers but a question of having adequate numbers to address the opportunities that are there. I personally visited San Antonio a year ago to assess the situation. Francis Mullen, who is now Executive Assistant Director, accompanied me and spent a day and a half there, and we made some progress. We have had some personnel changes there as well as in the Department of Justice.

We have been very close to this thing for a long time and we are now at a point where we expect very shortly to have a solid case. We already have the players. I think when it comes out, you will be very proud of the investigative work that the FBI has done.

Mr. EARLY. You subpoenaed two of my constituents to testify on that matter. I don't think there is anything more important than solving that case. I don't know why at this point it is taking so long.

Mr. WEBSTER. I am sorry. I would have liked to have seen it solved the day before, because we are coming back to some of the places where we started out, only now we have the proof, but it has taken a long process that you will be proud of when you hear about it. I have said for the last year the two cases, before Atlanta started, that I wanted most to see solved were the Jordan case and the Wood case, because for the same reasons that you have just suggested, the importance to our society, and now I would have to add the Atlanta case to that.

Mr. EARLY. So you are satisfied, Mr. Director, that the number of agents you have on the Wood case are the maximum number that you think could effectively and efficiently work on that case?

Mr. WEBSTER. Absolutely. You might also be interested to know that I sent one of our crack people down from headquarters to take charge of that office. He has had enormous experience in this area, and has done an outstanding job as Special Agent in Charge of the San Antonio office.

Mr. EARLY. That is fine. I certainly hope there is a breakthrough.

Mr. Director, we had a very big bank robbery in Lexington, Massachusetts. The president of that bank is a very good friend of mine, and I just want to tell you that he has told me that the caliber and quality of the FBI Agents has been outstanding.

Mr. WEBSTER. Thank you.

Mr. EARLY. I understand that is going to the grand jury.

Mr. WEBSTER. Good.

Mr. EARLY. I think there are local police involved but we won't get into that. I am really pleased at the performance of the FBI, from the testimony of these people.

Mr. WEBSTER. I appreciate your saying that.

Mr. EARLY. In your statement about telecommunications in the Northeast, will the local law enforcement people be able to take advantage of that information system?

Mr. WEBSTER. In NCIC systems, of course, they do access automatically. I don't think the one you are talking about would be available. It just simply increases the capability of the FBI to collect and disseminate information. But of course as we collect it, then we are in a better position to disseminate it to locals who have a legitimate need for it. But it is internal.

Mr. EARLY. I thought when LEAA existed that we were computerizing the whole information system, and that they would all have access to it?

Mr. WEBSTER. No, this one is our internal management system.

AIRCRAFT HIJACKINGS

Mr. EARLY. Mr. Director, what would be your role in a plane hijacking?

Mr. WEBSTER. In a plane hijacking?

Mr. EARLY. Yes.

Mr. WEBSTER. Well, it is whatever role that I think I need to take. I am immediately informed whenever there is a skyjacking.

Mr. EARLY. Are you eligible to become immediately involved?

Mr. WEBSTER. Yes.

Mr. EARLY. Do we have plans in existence for all types of operations including raids and so forth?

Mr. WEBSTER. That is a broad question. I think the answer is largely yes, until we reach a certain level in terms of a terrorist attack. We have a command center which we put in about a year and a half ago, which is functioning beautifully. I would be happy to have any of the members of the committee come over to inspect it. It went into effect within 20 minutes of the shooting of the President, and remained in a 24-hour status until the subject was in custody and most of the major leads had been run and we then went back to an investigative mode.

We activate that whenever there is a skyjacking. It puts us in instant on-line/open-line communications with the FAA, with the airlines and if it is a serious matter, with the White House situation room, but not always. That depends on the circumstances.

Mr. EARLY. Do you have jurisdiction? Who has control?

Mr. WEBSTER. Of skyjacking?

Mr. EARLY. Yes.

Mr. WEBSTER. The FBI.

Mr. EARLY. So you would have jurisdiction?

Mr. WEBSTER. Yes.

Mr. EARLY. Is there a law that would not allow you to make concessions by way of ransom?

Mr. WEBSTER. No, but as a matter of practice, the foreign policy of this country is to avoid making concessions.

Mr. EARLY. I thought there was a law that in any kidnaping, even the parents of the kidnaped person could not pay ransom, that it would be violating a Federal law?

Mr. WEBSTER. I am not certain of the law you have in mind. We allow parents in kidnaping situations to make payment drops. In fact, we assist them in providing the cash, so that we have an opportunity in many cases to collect, identify and mark the money and be able to trace it. We also surveil if they want to do it. We don't encourage them to do it, but if they want to do it, it puts us in position to surveil the drop, often from the air, and then take off in pursuit of the subjects.

OVERTIME COMPENSATION

Mr. EARLY. My final two questions, Mr. Director. Does the FBI take advantage of the Administratively Uncontrollable Overtime system.

Mr. WEBSTER. Yes, it does, if I understand your question. The special agents come under the AUO system, and it is a system that is hard to describe except I have convinced myself, after a lot of study, that it is equitable and saves the Government a lot of money.

Mr. EARLY. Do you also have a regular FBI overtime account?

Mr. WEBSTER. No, except perhaps for some employees who are not covered by AUO. If it is scheduled in advance and we know that someone is going to have to do a certain thing and will work certain overtime, then they are paid overtime.

Mr. EARLY. I thought there was an appropriation for FBI overtime other than the Administratively Uncontrollable account?

Mr. WEBSTER. There is for scheduled overtime, and that includes our employees who are not agents, the support people.

Mr. EARLY. So you have scheduled overtime and Administratively Uncontrollable Overtime.

Mr. WEBSTER. That is correct.

ATLANTA MURDERS INVESTIGATION

Mr. EARLY. My final question, Mr. Chairman, with your indulgence.

On the Atlanta situation, people just can't understand how 22 people can be murdered like that. Do we have any leads?

Mr. WEBSTER. Yes, we do.

Mr. EARLY. Are you satisfied that since the FBI has become more involved that there has been some progress?

Mr. WEBSTER. Yes, I am. We became involved as soon as Atlanta recognized that it had a problem. It took some time, because some of the children had not been reported as missing, for them to recognize that they had something unusual. We now have 30 agents down there compared with 35 that Atlanta has on this particular task force. We are there under the thinnest of jurisdiction, a kidnaping predicate. All but two bodies have been found, all of them have been found inside the State of Georgia, and there have been no extortionate demands at all. Nevertheless, the Attorney General has maintained that authorization, and I believe we should be there, and we are there.

Our laboratory has been able to provide considerable help to the local laboratories, and we provided behavioral science analysis to try to understand what kind of people engage in these things. I would rather not talk about the specific leads.

Mr. EARLY. I don't want to know that.

Mr. WEBSTER. Except I can tell you we are convinced that there are multiple persons responsible for these, but we can identify from 12 to 16 that have a common chain of circumstances and may be the work of one person or one person and a copycat murder.

The most recent murder of the 21-year-old is ominous in that he was one of those involved in the so-called Bat Brigades, a kind of vigilante watch movement.

Mr. EARLY. Mr. Director, I just want to say I am pleased to see in your statement that the FBI is back on the Oklahoma investigation, the Joseph Paul Franklin case, the Wood case, and the Atlanta case. That is where I always thought the FBI should have been. I have always had the highest respect for them.

Mr. WEBSTER. Thank you.

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

FINGERPRINT IDENTIFICATION MATTER

Mr. HIGHTOWER. You mentioned a while ago that you were adding all new fingerprints to the computer system. Are you going to go back and pick up any of your old fingerprint records?

Mr. WEBSTER. I don't think we are going back. The real reason for not going back is that the major age frame for criminals, particularly violent criminals, is 15 to 24. That is where most of the crime takes place. As these people get older they are less likely to be committing crimes. In fact, we recently got rid of about 25 million criminal name cards, utilizing volunteers and overtime, because we just simply did not have the personnel in the Identification Division to do it, of people over 80 years old. Obviously such people are not a major threat.

Mr. HIGHTOWER. When you say got rid of them, do you mean you destroyed them?

Mr. WEBSTER. We destroyed the cards. They related to persons all over 80 years old.

Mr. HIGHTOWER. Couldn't those be helpful, though, in the identification of bodies and things of that nature, even of old people?

Mr. WEBSTER. I think we are talking about primarily the criminal arrest files rather than civil.

Mr. HIGHTOWER. Yes, but your fingerprint files are available for whatever—

Mr. WEBSTER. That is true.

Mr. HIGHTOWER. Information.

Mr. WEBSTER. This is one of our problem areas, frankly, in managing the Bureau. Because of that court decision that the chairman, I think, was talking about that requires us to retype records every time there is a nonserious charge, we have gone from three day's turnaround time to 25 days' turnaround time in terms of responding to inquiries, and we just have to cut down the numbers of fingerprint cards that are not of much value.

Mr. HIGHTOWER. Judge, let's talk a little bit about this. Did you say it was a D.C. Appeals Court decision?

Mr. WEBSTER. Yes, I believe so.

Mr. HIGHTOWER. That the Bureau is abiding by?

Mr. WEBSTER. Yes.

Mr. HIGHTOWER. Did the Attorney General not appeal that to the Supreme Court?

Mr. WEBSTER. I think that is the case. I can find that out and supply that answer to you.

[The information follows:]

COURT CASE INVOLVING NONSERIOUS OFFENSE

By a court order dated April 15, 1976, the Federal District Court, District of Columbia, in the *Tarleton v. Saxbe* case (507 F.2d 1116, 1974), ordered the FBI to "delete, by retyping the record" all information relating to nonserious offenses appearing on arrest records it disseminates. The order set forth the following timetable by which the action was to be taken: (1) Within 45 days of the order, retype all records containing more than four nonserious offenses; (2) on or before July 1, 1977, retype all records containing more than three nonserious offenses; (3) on or before July 1, 1978, retype all records containing more than two nonserious offenses; and (4) on or before July 1, 1979, retype all other records.

During fiscal year 1979, 907,643 nonserious offense entries were deleted, while 503,964 were deleted in 1980. At the project's peak, the services of 176 employees were required to comply with the order; presently, it requires 84 employees.

At the time the order was handed down, the FBI recognized that the order would place a substantial new work burden on its Identification Division; however, no appeal was initiated since it was believed that an appeal would not result in relief. The *Tarleton* case was a very complex lawsuit involving several issues and requests for relief by the plaintiff. The District Court attempted to strike a balance between the interests of the plaintiff and the FBI. Therefore, an appeal might well have resulted in the imposition of even more burdensome requirements on the Identification Division.

Mr. HIGHTOWER. If this is a handicap to the operation, have you asked the Judiciary Committee to give you some relief by law?

Mr. WEBSTER. I can't say that we have. There may be constitutional implications. It may be predicated on that, but I think that is a good suggestion, Congressman Hightower, and I will be glad to follow up. There have been abuses in the past by having these records affect employment and other matters. So that there has been a lot of pressure to keep these records cleansed. However it does take many employees to comply and it slows down production tremendously, and we have been consistently losing personnel in that division by cuts in the budget.

Mr. HIGHTOWER. I have been so pleased with the FBI, and I want to say I am sure part of it is a result of your administration in the Bureau. Part of it is a general change of attitude by the public at large, and a greater appreciation of the FBI. The FBI, as you well know, came in for a lot of criticism and still receives some in the area of ineffectiveness, and I think that if there is some court opinion or statute that is hampering your effectiveness, in light of the better environment, we ought to try to address that and do something about it.

I would be glad to be involved in trying to give you statutory relief, if that is what is needed to overcome a bad court opinion.

Mr. WEBSTER. I appreciate your interest in that problem. Certainly I have one in terms of our management responsibilities. When responses get that old, they often lose their value to local law enforcement, and we have got to do something about it.

Mr. HIGHTOWER. Thank you, Mr. Chairman. I don't believe I have anything else at this time.

Mr. SMITH. Mr. Dwyer.

Mr. DWYER. Thank you, Mr. Chairman.

GAMBLING AND ORGANIZED CRIME

Mr. Director, regarding organized crime, in those States that have casino gambling do you find a concurrent rise in organized crime?

Mr. WEBSTER. Yes.

Mr. DWYER. You do. To a serious degree?

Mr. WEBSTER. That is a subjective term. In my view it is serious. It is perceptible in that it draws flies, not only people who are there but people who were not there previously.

Mr. EARLY. Would you yield?

Mr. DWYER. Yes.

Mr. EARLY. That was the other thing that I thought you should be commended on in your statement, the list that you gave to Chairman Smith on your indictments and convictions on organized crime. It is probably the most impressive I have ever seen.

Mr. WEBSTER. Thank you.

Mr. DWYER. But you do see a rise there?

Mr. WEBSTER. Yes.

Mr. DWYER. Thank you, Mr. Chairman.

Mr. SMITH. Is part of that due to the desire to launder money?

Mr. WEBSTER. I suppose that is part of it, but I tend to say no. The real reason is that organized crime draws from illicit businesses, enterprises rather, the principal ones being narcotics, prostitution, loan sharking, arson, now, arson for profit, and chop shops. ~~But still the greatest single source of revenue is gambling.~~

Then, in turn, the fruits of those illicit enterprises have to be converted into something else, and if you generalize, the generalization is that organized crime tends to try to take over legitimate enterprises that are cash intensive. So it provides an opportunity, as you say, to launder money through, and casinos are one example of that. Plus, in the casino industry we find repeated examples of skimming.

The process is so fast and the cash is moving so fast that money can be raked off and unaccounted for in the system.

Mr. SMITH. Mr. O'Brien.

PRESIDENTIAL PROTECTION AND GUN CONTROL

Mr. O'BRIEN. Judge, with respect to the attempted assassination of the President, in hindsight I suppose certainly you and maybe even we on the committee could figure out a more secure way to get him in and out of the car, and realizing that you can't really plan for everything, you just do the best you can. Is there any way in which you can scan a crowd like when you go through an airport to detect that type of thing?

Mr. WEBSTER. I don't know that I am the right person or that we are the right organization to ask that question of. The only two people that the FBI is responsible for protecting are the Attorney General and myself. I think they do a pretty good job of that. I

don't know enough about that particular situation to express a comment.

We do have, as you know, tremendous responsibility under the presidential assassinations statute, which Congress adopted after the Kennedy assassination, I think it is 18 U.S. Code 1751, in which we can commandeer the services of everybody in sight to help us in our investigation. I think the investigation has proceeded quickly, swiftly and efficiently, not only to the end of building a convincing case against the person currently charged with that shooting, but also so that the evidence will be so convincing that five years from now we won't all be reading books about the second or third man or grassy knoll situation of that kind, and we have had very good luck. I say luck. You make your own luck, but we have had very good success so far in pulling the ends and pieces together, the forensic evidence, the eyewitnesses. We know a great deal about the subject at the present time, and the interviews have taken place across the country to reduce, for case purposes, what has gone on. But in terms of security, I am afraid we are all going to have a lot to think about in that direction, and it will tell us something about our society.

We start with a free society. Public officials who are elected in a free society want to behave as if the society is indeed free, and they are free, one of the glories of our country. Some of the advisers on security today are already cranking up scenarios in which every high-ranking public official is going to go through town in armored cars with caravans in front and behind. Those solutions are just unacceptable to the kind of society in which we live. There has to be a kind of reasoned balance to the risk-taking. Sometimes the risk-taking is forced on the protective organizations by the individuals who refuse to accept the advice. I don't think that was the case with the President, and I don't have an opinion at all as to the situation in that doorway. It was a tragic circumstance.

As you probably know, because you have seen it in reports in newspapers, our laboratory evidence now is that the President was hit by a bullet which glanced off the car and through the gap in the open door and struck him as he was trying to get into the car and away from the gunman.

Mr. O'BRIEN. Is it determined that it was a .22 caliber weapon?

Mr. WEBSTER. Yes. We have the weapon. We have the spent cartridges and substantially all of the bullets.

Mr. O'BRIEN. Every time someone at home calls and asks about the event, the question is always raised about gun legislation. It does highlight the concerns of most of the country, and I just wondered if the risks are becoming so great that some of us who have had a certain point of view with respect to that ought not take a second look at it. Do you have any preferred type of legislation that would tend to still support our desire for a free society?

Mr. WEBSTER. I do not myself have any legislation that I have advocated in this connection. I do think it is our obligation to keep delivering the facts. For instance, in February I released information that the number of law enforcement officers who were slain feloniously in line of duty was 104. That firearms were used in 91 percent of these officers' murders. In 1981, 24 officers have been killed to date, 19 of whom involved the use of firearms.

I think those facts are useful in setting the dimensions, some of the dimensions of the problem. I don't think the pressures and tensions of an attempted assassination really give us much of a sense of where we ought to go. There are a lot of aspects to it. The guns were legitimately purchased in Texas and brought to this area where of course it is illegal to have that kind of weapon under most circumstances.

If it would be useful to you, and I don't know what the appropriate method of doing it is, but I was very much impressed by the comments of James Q. Wilson and Mark Moore, both at Harvard University. Jim Wilson is one of the most respected observers and consultants in the field of law enforcement, and has written an article entitled "Enforcing the Laws We Have." It appeared in the April 1 edition of The Washington Post on page 21, and I would be happy to make it available to you or to the committee. I can only say that it is a very convincing article about the need to first enforce what we already have on the books.

Mr. O'BRIEN. I would certainly like a copy. What was the misdemeanor that Hinckley was picked up for?

Mr. WEBSTER. It is a funny kind of misdemeanor, a local misdemeanor. It is carrying a weapon for the purpose of being armed. That is the way it is described. He was fined \$50 and \$12.50 costs. It was a bail fine-type thing. He forfeited his bail. They knew he was leaving town. He had a plane to catch; and he forfeited his weapons.

Mr. O'BRIEN. Returning to the question of Mr. Hightower, doesn't that suggest to you that that ought to be the type of misdemeanor that should be reported to you?

Mr. WEBSTER. We have no real jurisdiction over guns. That is the Bureau of Alcohol, Tobacco and Firearms, to the extent that it is Federal jurisdiction. Secret Service has the protective responsibility for the President.

Mr. O'BRIEN. I am simply thinking of being aware.

Mr. WEBSTER. The question is what would we do with the information. We would have it primarily to give to somebody else like the Secret Service. I have asked that our people take a look at our policies and procedures on this. There were about 2,000 such incidents last year in the United States, according to the FAA. About 1,900 of those resulted in prosecutions of one kind or another. This would be considered a prosecution. In his case he appeared to have yielded up his guns, and gave up his fine. On the 9th of October he went back to Denver and bought a gun, went down to Texas and bought two more and by March 25 he was in Los Angeles, and presumably, then headed this way. It is not a crime, incidentally, a Federal crime, to check an unloaded gun in your luggage on an airline. The Federal offense which is a misdemeanor, is to attempt to carry a gun into the passenger area. It is a no-intent misdemeanor. I had to construe it when I was on the Court of Appeals as to whether it required any criminal intent when a person hands the attendant at the X-ray machine or hands the inspector his bag. He is saying: You can't convict me because obviously I wouldn't have given it to you to look at if I had a criminal intent.

We decided it had a no-intent statute. We decided Congress meant it to be only a misdemeanor. It would not have been illegal

for him to have checked his bag through the cargo part of the airplane with the guns. It is designed to prevent skyjacking and things of that kind in the airplane.

His explanation, which may or may not be valid, to the local law enforcement people and to the FAA was that he tried to check his baggage but he was late and they made him take the bag to the airplane.

Mr. SMITH. They don't have any statutes there against carrying concealed weapons without a permit?

Mr. WEBSTER. I think that is what this was. It is a kind of carrying a weapon charge. There are so many variations of that. When I was in Phoenix our office was telling me, with some chagrin, that the motorcycle gangs that we are now watching under organized crime activity can be seen now sporting their guns while riding their motorcycles. You see them with two guns strapped to their sides in public streets, because there is no law to prevent it.

UNAUTHORIZED DISCLOSURES OF INFORMATION

Mr. O'BRIEN. Mr. Chairman, I have a couple of questions for the record, but I just wanted to touch on one other point with the Judge.

January 24 of this year, Judge, in *Congressional Quarterly*, on page 200 there was a column captioned "Congress Notes," and it said, "News leaks punished," and part of it reads, "As a result of unauthorized Abscam disclosures," so and so, "The U.S. attorney in Philadelphia" and so and so, "a press spokesman in the FBI's New York City Office was suspended without pay for 30 days, placed on probation and reassigned to other duties."

Are those men subject to your authority?

Mr. WEBSTER. Yes. I am sorry, I thought you were reading about our people. The assistant United States attorney is not subject to my authority. He is under the authority of the Deputy Attorney General.

Mr. O'BRIEN. Apparently the only one under your authority is the press spokesman?

Mr. WEBSTER. Yes. Well, there were others who were disciplined. The press person who was an agent, and then there were two supervisors in the field and one headquarters official.

Mr. O'BRIEN. Do you feel that you have that problem well taken care of?

Mr. WEBSTER. I believe so. Incidentally, in the process of appeal I reduced the punishment on the New York press person very recently. But I had removed him from any press responsibilities, and I have not changed that. Instead of 30 days' suspension he received 10 days' suspension, because there was a failure in the evidence on one aspect of his conduct, that he and his lawyer were able to demonstrate. So in fairness, I did reduce that. I am not having that kind of difficulty now.

Today we are seeing a number of stories about the assassination. I am confident that they are not coming directly from the FBI. Because of the intense importance and interest in it, we have informed a number of people in the Department, in the White House and a number of congressional people have been briefed.

Some of the information we have supplied to Secret Service and others, I have no doubt, has been communicated by them to others, and we are beginning to see a few things that I wish we wouldn't see.

Mr. SMITH. Where did that letter come from?

Mr. WEBSTER. We had a court-authorized search of the Park Central Hotel room where Hinckley was staying, and it was conducted jointly with local police. Many photographs were taken of it. We have it in our possession, but I cannot give you an answer as to how it was received by the press. It appears to have been dictated to the newspaper rather than that the newspaper physically had it. It is actually only one page written on both sides. I don't think they have seen the actual document.

Mr. SMITH. It is going to be quite an item for the defense attorney.

Mr. WEBSTER. Well, they will be arguing about it. If I had my druthers I would rather not see those evidentiary specifics. The fact we recovered a letter I think is information that could be revealed, but we are trying to keep away from laboratory results and tests, matters of that kind, because it will present some problems for us on the defense.

Mr. SMITH. Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Chairman.

LEGAL ATTACHES

Mr. SMITH. Mr. Early.

Mr. Early. Mr. Director—Mr. O'Brien—when I read your justifications on the legal attaches, which you kept operating because of the interest of the Bureau, you suggested closing your office in Buenos Aires and opening one in Montevideo.

Mr. WEBSTER. Yes.

Mr. Early. So you are not cutting back on the legal attache program?

Mr. WEBSTER. No, we are adding, putting back in place those positions restored by Congress. We are getting another support person in Hong Kong, and so, thanks to your help, we are getting these people back into a position where they can be productive. They have been strung out too far to be effective, and yet they are effective. I have seen examples of their work firsthand, and their relations with the local law enforcement people, where the cooperation by them is very important because of the numbers of people that roam the country.

FREEDOM OF INFORMATION ACT

Mr. O'BRIEN. There was an article in *The Washington Star*, I believe on the 13th of March, and I believe your agency and the CIA were criticized for releasing too much information. It said, "Many European friends of this country are queasy not because of the quality but the impermanence of its safety," meaning, I presume, leaks of information.

Mr. WEBSTER. Yes.

Mr. O'BRIEN. Any comment about that? Is that our fault?

Mr. WEBSTER. They are not talking about leaks; they are talking about the Freedom of Information Act and other requirements where we cannot withhold information on given situations. Most of the European intelligence community just doesn't understand how we can have something like the Freedom of Information Act, although legislation of that kind is being advanced in New Zealand, Canada and England. We do have the means to protect them.

Mr. O'BRIEN. Thank You. Mr. Chairman.

The following questions were submitted for the record by Mr. O'Brien:]

QUESTIONS SUBMITTED BY CONGRESSMAN O'BRIEN

Terrorism Program Decrease

In your justifications for FY 1982 there is a request for a decrease in funding (-\$286 thousand, and -21 positions) in the Terrorism Program. Why are you requesting a decrease in this program?

The Domestic Terrorism Program was reduced by 21 positions for FY 1982 because of a shortfall in its manpower utilization in previous years. This shortfall, which was reflected in Time Utilization Records Keeping (TURK) data, occurred despite an increase in program matters received. An explanation for the contradiction between these two indicators is that a substantial increase occurred in the Foreign Counterintelligence Terrorism Program requiring the redirection of manpower which would normally be used under the Domestic Terrorism Program.

If there is an increase of terrorist activities in the United States in FY 1982, would there be enough money and manpower to carry out your responsibilities and duties in this program? Would a supplemental be expected?

At present the Terrorism Program, comprised of Domestic and Foreign Counterintelligence Terrorism, is using all of its resources. Program funding would probably be insufficient and a supplemental request would be necessary to carry out mandated responsibilities and duties.

Coordination with CIA

In an article which appeared March 19, 1981, in the Congress Daily, it stated that in your testimony before the Senate State, Justice, Commerce and Judiciary Appropriations Committee you said coordination between the FBI and CIA "could be improved" especially in cases where terrorist activities were suspected. Does the CIA also feel that coordination could be improved? What are your plans to improve this joint effort?

The FBI has recently furnished to the CIA and NSA a list of our counterintelligence requirements. Armed with this information, both of these agencies should be able to better understand and be more responsive to fulfilling our needs.

There has existed, we believe, some confusion on the part of other agencies in the U.S. intelligence community arising from the language of Executive Order 12036 as to the authority for the dissemination of information pertaining to U.S. persons. This misconception has hindered their willingness to completely collect and share counterintelligence information. This reluctance is due, in our opinion, to an overly strict interpretation of the dissemination procedures as they pertain to U.S. persons.

Effective counterintelligence relies on bringing together in a coherent way various bits and pieces of information on an individual's relationship with a foreign power. Some of those bits and pieces by

themselves may seem insignificant to any agency other than the FBI. The agency which receives the information may not believe it is significant enough to warrant their dissemination on a U.S. person - thus the information is lost.

W

New Administration Policy on Terrorism

Is the Administration or the FBI expected to be making new policy and guideline decisions involving the area of terrorism?

Under the instructions of the Attorney General, the FBI is currently reviewing both the Foreign Counterintelligence and Domestic Intelligence guidelines. It is believed that this review will result in changes that will make them clearer, more workable, and more effective. The concept of guidelines is very important to the FBI. It is essential that our agents have reasonable legal parameters to guide their investigative activities and that they are thoroughly familiar with these guidelines.

Violent Crime

A report on Violent Crime is expected within the next few months. Is part of your 8.3 percent increase in budget due to the early findings of that report?

No. The FBI is not aware of any early findings of the Attorney General's Task Force on Violent Crime.

What factors, in your opinion, attribute to the rise in violent crime in the United States? In your opinion, what needs to be done to decrease the amount of crime in the United States? What does or can the Congress do to alleviate the violent crime we are seeing today?

Historically, the causes and origins of crime have been subjects of investigations by many disciplines. However, no definitive conclusions have yet been reached. It would be inappropriate for the FBI to comment at this time on the causes or ways of alleviating the rise in violent crime in view of the forthcoming report of the Attorney General's Task Force on Violent Crime.

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Mr. EARLY. Thank you, Mr. Chairman.

UNDERCOVER OPERATIONS

Mr. SMITH. What about entrapment? We hear quite a bit more about that. These are primarily local crimes but there is a nationwide rash of breaking into houses, because of the value of silver and jewelry. You have had some of these stings where some people have said you encouraged it by setting it up and offering to buy goods. They state that it encouraged local people that otherwise wouldn't have done it to break into a house because they have a place to sell the goods. Why aren't you working on the other end, offering what appears to be stolen goods for sale, to see who is buying?

Mr. WEBSTER. We do do some of that. The use of the sting is not confined to the FBI. It is frequently done on a local basis or in conjunction with the FBI. What is helpful to us is the ability to determine how the traffic flows in a particular part of the country, who is doing it, and you hear about other fences. The fences, of course, are the key to the thing. If we can bust the fences or make other fences suspect by people wondering whether they are dealing with us with a crook or with another law enforcement agency, we will make some progress.

One operation that occurs to me is one up in Congressman Early's area called Operation Lobster where New England and particularly the Boston area was experiencing enormous losses in major truck hijackings. Not only the cargo was being taken but the entire truck and tractor were taken. The truck would disappear in the chop shop operations and the cargo would be distributed through illegal lines of distribution.

We set out to become a fence for that activity, and they were averaging about one major hijacking every two weeks at the time. We closed it down, and I think I am correct in this, it was seven months before there was another hijacking in that area. So while there might seem to be a stimulus of activity for a short period of time, the long-term deterrent effect I think significantly outdistances it.

Mr. SMITH. Couldn't you have accomplished the same result by using what appeared to be a hijacked truck and look for someone to buy it?

Mr. WEBSTER. Yes, that is another technique, but we get information in dealing as one crook to another, information from the thieves themselves as to who else they deal with, where they are going, how they operate, and where the fences dispose of their products. I don't think we can confine ourselves to any one technique, and I am satisfied that we are not operating in a way that will convert innocent bystanders into thieves. We are talking about sophisticated activity, the recovery of a Rembrandt, the recovery of a Rubens, the recovery just the other day in Kansas City of a Remington portrait, a major portrait.

Mr. SMITH. Then of course there is the one you had locally.

Mr. WEBSTER. The Washington sting. We are really moving out of the conventional sting thing into more specific high-impact, high-value operations.

Mr. SMITH. You can go out at night in parts of Washington and there are people standing on half the street corners willing to sell something.

Mr. WEBSTER. One of the recent investigations that the President was particularly pleased with is one called Apple Core, in New York, in which the FBI identified corruption in a food service program to feed children during the summer. The Department of Agriculture was informed and agreed to in a joint undercover investigation. The Inspector General put up the capital and other resources for us to form a business to do business with the sponsoring groups which had become persuasively corrupt.

This operation, which incidentally, was the first major joint undercover operation combining the resources of the FBI and an Inspector General has in addition to a number of indictments and guilty pleas, more importantly provided Agriculture with an opportunity to learn the weakness of the program directly from the individuals involved in the fraud. Throughout the operation Agriculture experts were assessing the happenings of the operation and were able to determine that a substantial portion of the program was probably corrupt. The USDA has advised us that this investigation will permit the institution of new controls and procedures to significantly reduce the level of fraud and waste in this and other programs. This technique allows us to be solicited for kickbacks and payoffs and to document the frauds as they occur.

RISE IN VIOLENT CRIME

Mr. SMITH. The Attorney General indicated that one way or another, they are going to give a higher priority to crimes involving violence involving thugs; is that a fair statement?

Mr. WEBSTER. I think that is exactly what the Attorney General has said. He has also recently formed a task force to study the area and to see how the Federal Government, not just the FBI but the Federal Government, can be more effective in dealing with the problem of violent crime. I am very proud of the FBI's current commitment in the violent crime area. We hear a lot and talk a lot about the ABSCAM and undercover operations, which are important, but they only utilize about one half of one percent of our total field resources. We haven't converted ourselves into an undercover operation.

Mr. SMITH. Violent crimes went up greatly last year, didn't they?

Mr. WEBSTER. It did go up but a very small amount. We are talking about going from four to seven million dollars approximately.

Mr. SMITH. No, I meant the number of crimes.

Mr. WEBSTER. Oh, crimes, yes indeed, violent crime went up 13 percent last year and had gone up 11 percent in the previous year. It is one of the greatest single rises in our history, but what we are measuring there are street crimes. This is the index that the FBI has maintained for a number of years from figures supplied by the local law enforcement agencies about murder, rape, robbery, assault, crimes over which we have almost no jurisdiction. But I think it is only fair to point out what we are doing with hijackings, skyjackings, kidnappings, the dangerous fugitives which are in our

jurisdiction to pursue, and terrorism, which is almost exclusively the responsibility of the FBI.

I think we will probably see attention being addressed to three or four areas that are close to my heart that don't get enough praise; one is our laboratory, which is the finest in the world and made available to the State and local law enforcement people; the Identification Division, that is the central collecting point for all law enforcement; the NCIC system which we have discussed, that is for local law enforcement to spot the dangerous people; and equally important, our training.

POLICE TRAINING

Someone made reference to the dismantling of LEAA. Law enforcement today throughout the United States virtually has no other place to go for quality, professional training than the FBI. Every year at Quantico we train 1,000 elite officers at the FBI National Academy, many of whom have waited six or seven years to be admitted. You have probably had police chiefs asking you for help in getting somebody into Quantico. One out of seven of those now head a law enforcement agency somewhere in the United States. It is a very important link with us. It is a very important level of professionalism.

We also train the top figures in law enforcement in the National Executive Institute for people who head organizations in areas with a population of 200,000 or above. It is a broad educational experience, but what is often overlooked, and where we feel it with cuts in the budget, is our training program in the field.

We provide police training instructors who are special agents who go out and hold schools in small towns and in cities, but primarily for those who have no training cadres.

Mr. SMITH. What did you ask for in this budget?

Mr. WEBSTER. We reached 168,000 policemen last year with these schools.

Mr. EARLY. Mr. Chairman, will you yield?

Mr. SMITH. Yes.

Mr. EARLY. Mr. Smith, Mr. Dwyer and I have run into this in the National Health Institutes, and it is so important to maintain that link, but haven't you submitted an amended budget that includes an increase of one position and I think \$624,000 for law enforcement training instead of the 36 positions and almost \$2 million you had originally requested?

Mr. WEBSTER. Are you talking about the supplemental budget?

Mr. EARLY. The revised budget.

Mr. WEBSTER. For 1981 or for 1982?

Mr. EARLY. For 1982.

Mr. SMITH. First give us what is in your budget specifically for field training and then what you requested from OMB. Give us both figures.

Mr. GROOVER. Police training occurs both in the field and at our Academy in Quantico, Virginia under our General Law Enforcement Training Program. The original request for this program, submitted to the Office of Management and Budget in September, 1980 was for 396 positions and \$18,433,000. The current revised

budget request for this program is for 361 positions and \$17,287,000, a reduction of 35 positions and \$1,146,000.

Mr. EARLY. So, Mr. Director, you would see that as a priority for training?

Mr. WEBSTER. Yes.

Mr. EARLY. Mr. Smith brought it out extensively last year. There is no other training. Last year you reduced your training staff, if I recall.

Mr. WEBSTER. In the field.

Mr. EARLY. I think you had to justify that. You were having problems.

Mr. WEBSTER. It continues to be the victim of economy measures, because I think it is a legitimate criteria for us to use when we have to give up something, to give up something that is not our primary jurisdiction, where it is either cooperative or concurrent. I do so with a great deal of regret, because I think this is a very important part of our contribution to efforts directed at violent crime. It is where we really increase the capability of State and local law enforcement to deal with their own statutes, with rape, murder, robbery, and so on. But when we have to give up something, we find ourselves looking always at the areas where we aren't the only people who are tasked with dealing with it.

Mr. SMITH. What amount of funds is associated with those 35 positions and support staff?

Mr. GROOVER. \$1,400,000, Mr. Chairman.

Mr. EARLY. Excuse me, Mr. Chairman. I thought the original request, stated that it was 57 positions and \$1.7 million, and the revised budget showed 1 in lieu of 36, and some six hundred thousand dollars, or a \$1 million difference with the 35 positions.

Mr. GROOVER. Part of the differences in numbers, Mr. Early, result from the difference between work years and positions in this case. There is one position left after this adjustment. There are actually five work years. The money goes with the work years. There is a little difference in money there.

Mr. EARLY. If we restored that, should you only have to restore \$1 million rather than \$1.4 million to get what your original request totaled?

Mr. GROOVER. We have sufficient funds from our initial request to support the five work years that are left in there. The balance that came out of there was a mix of people going from this program to another program which was increased during Mr. Reagan's budget adjustments.

Mr. EARLY. If I can, Mr. Chairman, I thought that it has been amended from 36 positions and \$1.7 million to 1 position and \$600,000-plus. If the committee opted to restore the training program, we would only have to restore \$1 million rather than \$1.4 million to give you the same man-hours for that program.

Mr. SMITH. On page 6 of your justifications it states \$1,146,000. What is that figure? Does that represent the difference or does that not include some support funds?

Mr. GROOVER. I am told, Mr. Chairman, the difference which would be necessary to restore that would be \$1,146,000.

Mr. SMITH. That would be more than salaries?

Mr. GROOVER. Support costs too.

Mr. EARLY. Also support costs?

Mr. GROOVER. All of the supporting costs, yes, sir.

Mr. SMITH. Thank you very much, Mr. Director.

[The following questions were submitted for the record by Chairman Smith:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Requested Language Changes

The requested appropriation language for the FBI includes two changes for FY 1982. The first change would permit the FBI to increase the number of replacement vehicles purchased from 1,100 to 1,500. What is the reason for such a rather large increase in the number of vehicles replaced?

The FBI's appropriations bill for FY 1981 made provisions for the purchase of 1,100 automobiles. As a result of a ten percent reduction ordered by President Carter in March of 1980, capital investment funding for vehicles was reduced from \$7,156,000 to \$4,956,800. This reduction in funds coupled with manufacturer price increases will allow the FBI to purchase only 680 vehicles in FY 1981. The 680 vehicles comprise only 42 percent of those meeting the General Services Administration's replacement standards. The purchase of the remaining 58 percent will be postponed until FY 1982 thus increasing the number of replacements requested to 1,500 vehicles. It should be noted, however, that price increases by the manufacturer have caused the projected number of purchases for FY 1982 to be adjusted down to 1,328 vehicles. This will result in replacement on only 62 percent of the fleet that will meet the replacement standard that year.

The second language change requested would permit two-year funding for automated data processing equipment and two-year funding for undercover operations. Can you tell us why the present annual funding provision for these two items is not sufficient?

Automated Data Processing equipment procurements involve a complicated time-consuming process beginning with a requirement definition and culminating with the evaluation of bids submitted by several equipment manufacturers. Each individual major procurement action will take from nine to 18 months and two-year funding is requested to insure that any procurement action scheduled to be completed near the end of FY 1982 will not have to be terminated due to an uncontrollable delay of a month or two.

Some undercover operations, especially in the Foreign Counterintelligence Program, are long-term in nature and extend beyond a fiscal year. Because of this and the sensitive nature of some of these operations, two-year funding is requested to provide flexibility and improve security.

Resources for Domestic Terrorism and Legal Attache Program

The conference report on the FY 1981 Appropriations Act stated that the FBI should use the funds necessary to maintain the Domestic Terrorism Program and the Legal Attache Program at the FY 1980 level. What are the level of resources that you are allocating to these two programs for FY 1981 and are they the same as the FY 1980 levels?

The Domestic Terrorism Program is allocated 153 agent workyears and 84 support workyears with a budget authority of \$10,559,000 for FY 1981. This is nine workyears less than the FY 1980 level. The FBI

is prepared to increase the FY 1981 level to that of 1980 should the need arise. However, this program continues to utilize resources at a rate less than the funded level and there has not been a need to increase workyears or funds thus far in FY 1981. The Legal Attache Program is allocated 26 agent and 29 support workyears with a budget authority of \$2,050,000. The Legal Attache Program allocation is the same as the 1980 level.

Terrorism Program - Funding and Activity Level

What evidence is there to suggest that terrorism activities will continue at their present level during FY 1982?

An analysis of terrorist activity for recent years shows that the majority of terrorist acts are committed by groups or individuals who are dedicated and determined to continue their struggle for causes which have little likelihood of resolution. This characteristic indicates that terrorist activity probably will continue at least at its present level indefinitely. Two of the groups that are presently of major concern to the Domestic Terrorism Program are the anti-Castro Cubans and the Puerto Rican independence groups. Both of these groups will continue to be a problem throughout the foreseeable future.

If terrorist activities are estimated to remain at their present levels, what accounts for the FBI's estimated increase in investigative matters received which are projected for FY 1982? (350 bombings, injuries and deaths)

Because the Domestic Terrorism Program is both preventive and reactive in nature, the level of terrorist incidents is not the only factor that affects the number of investigative matters received. The level of terrorist activity directly affects only the reactive segment. The estimated increase in the projected number of investigative matters received for 1982 reflects the future strategy to be employed in the program. In 1982 the Domestic Terrorism Program will emphasize the preventive or intelligence aspects of the program and provide more effective and intensive coverage of the major terrorist groups.

Budget Reduction

Your amended FY 1982 budget request is a decrease of \$4,553,000 from the original budget submitted in January. What are the components of that decrease and what effect will this reduction have on your program for FY 1982?

The major portion of the decrease, \$3,700,000, was derived by deferring automation efforts within the FBI by one calendar quarter. The additional \$853,000 in reduced budget authority is a net result of personnel additions and reductions in Field Programs that, on an overall basis, resulted in the same total number of positions as had been proposed in the budget before the revision process was begun.

Aside from cutting the budget, is there any policy change or programmatic reason for this reduction?

The budget amendment was required primarily because of efforts on the part of the Reagan Administration to reduce the overall size of the federal budget. The size of the budget reductions that relate to the FBI, when considered in their totality, are not large and do not represent policy changes or significant changes in overall programmatic investigative thrust.

When compared with other federal agencies, the FBI was largely exempted by the Reagan Administration in the FY 1982 budget revision process.

Increases for Other Field and Organized Crime Programs

Your budget includes an increase of \$4,700,000 and 97 positions for Other Field Programs. Can you tell us what programs are involved here, and how much the workload has increased this increase in resources?

The 1982 budget request for Other Field Programs includes an increase for foreign counterintelligence and a reduction in the civil, applicant, and other categories. Additional information regarding these changes is classified.

Your budget includes an increase of \$1,423,000 for the Organized Crime Program. This amount includes undercover operations and informant programs. How do you determine the appropriate mix of funding for these differing strategies?

For the purpose of budget formulation, the informant program and undercover matters are considered independently. However, as investigative techniques they complement each other and are invariably used in tandem.

Budgetary requests for these programs are based on prior year trends and the FBI's experience in estimating resource requirements. It is noted that informants and undercover operations are an integral part of the FBI's investigative efforts and contribute immeasurably to its success against the criminal element.

The budget includes an increase of \$1,122,000 for the investigation of white collar crime. Attorney General Smith's statements at his confirmation hearings would seem to indicate a reduction in the priority of white collar crime investigations and possibly renewed emphasis on personal crimes and bank robberies. Your budget request does not reflect this change. Have you discussed this with Attorney General Smith, and do you anticipate any change in resource allocation?

The Attorney General has formed a task force to consider the role of the Federal Government in reducing violent crime in the United States. This task force has barely begun its mission; therefore, the 1982 budget does not reflect any major investigative policy change.

Additionally, Executive Assistant Director for Investigation, Francis M. Mullen, Jr., spoke with the Associate Attorney General Designate Guiliani who advised that the Department of Justice did not want to lessen the priority being afforded white collar crime matters in any way as a result of any new emphasis on violent crime.

Resources Available for Fugitive Program

The budget reflects a decrease of \$1,127,000 and 25 positions for Fugitive Programs. The justification for this proposal is that a significant portion of the jurisdiction over the fugitive program has been transferred to the U.S. Marshals. Are you satisfied that the resources available in the FBI's Fugitive Program are adequate?

No. While it is true that the U.S. Marshals Service assumed responsibility for certain fugitive matters previously handled by the FBI, the focus of our Fugitive Program now is to assist state and local authorities in combating the rising tide of violent crime in America. The FBI's Fugitive Program can make a direct and positive impact on violent crime through effective use of the Fugitive Felon Act (Title 18, U.S. Code, Section 1073). Most violent crimes are under local jurisdiction of the various states. The FBI does not become involved in them until a subject is charged with a felony offense and flees to another state to avoid arrest, prosecution, or confinement. Investigations are initiated when our assistance is requested by proper state authorities to locate and apprehend the individual. Due to current manpower restrictions in this program, every effort is made to concentrate available resources on cases involving the most violent and dangerous individuals.

On January 1, 1981, there were 179,044 wanted persons entered in the FBI's National Crime Information Center (NCIC), an increase of 16,916 over the same date last year. Of those wanted persons entered in NCIC on January 1, 1981, the FBI had pending investigations on only 1,618 or .9 of 1 percent involving unlawful flight subjects. While not all wanted persons meet the criteria for FBI involvement under the Fugitive Felon Act, it is believed that we could be of far greater assistance to local authorities with additional agents to address this problem.

FBI Uniform Crime Reports (UCR) reveal 12 million crime index offenses were reported in 1979, and that the rate of crime in the United States continues to increase. For example, violent crime increased 11 percent in 1979 over 1978 and included 21,456 murders, 466,811 robberies, 614,213 aggravated assaults, and 85,989 forcible rapes. There has been no abatement in this trend. UCRs during the first two quarters of 1980 show both violent crimes and overall crime increased ten percent over a comparable period in 1979.

FBI Headquarters receives regular reports from the Special Agents in Charge of our field offices across the country that local authorities have fugitive cases on which they need assistance. While we have never denied local agencies a helping hand in their most important cases of this type, manpower restrictions have caused us to be more selective.

The effectiveness of our efforts in this area can be accurately measured from the number of fugitives apprehended or located. Historically, the FBI has received superb cooperation from the public, law enforcement agencies, and other sources in tracking down wanted persons and bringing them to justice. The effectiveness and efficiency of this program has been diminished in recent years as a result of its low national priority ranking and reduced manpower.

FBI Training Requirements

Your budget submission mentions a "dire need to train 1,003 special agents at the FBI Academy and 200 in field sites." The budget includes an increase of \$1,363,000 and 16 positions for the Training Program. What are the specific details of the training to be given to these agents?

A survey conducted in FY 1980 revealed that over 1,000 FBI special agents needed additional training in order to develop levels of expertise in White-Collar Crime Program areas such as public corruption, governmental fraud, major business fraud, banking, energy and commodities frauds, and labor matters sufficient to enable them to conduct these complex investigations. Most of these training needs must be fulfilled at the FBI Academy at Quantico, Virginia, because of the availability of resource materials and training computers.

The requested 16 positions and \$1,363,000 in budget authority will provide training for special agent personnel in the White-Collar Crime Program and additionally, training will be provided on-site in various FBI field offices to non-accountant agents and accounting technicians involved in complicated White-Collar Crime Investigations.

Is most of this training in the White-Collar Crime investigative area? What is the nature of this training which requires that it be done at Quantico rather than field offices or regional locations?

Yes, the requested enhancement would provide for training in White-Collar Crime investigative techniques. The use of stationary specialized equipment such as computers prevents field office or regional location training in most instances. Seminar type training is utilized to the extent possible in the field primarily to address specific needs of field investigators in various geographic regions.

Increases for Forensic Services

The budget reflects an increase of \$2,644,000 and 24 positions for Forensic Services (Federal). The budget also includes an increase of \$391,000 and one position for Forensic Services Non-federal. Why is there such a difference in the increases requested between these two categories?

Based on the past Administration's mandate (the non-federal program was reduced 31 positions in 1981) the FBI Laboratory has placed greater emphasis on the self-reliance of state and local laboratories to assume more of the forensic examination caseload. Policies instituted to achieve this goal have succeeded in leveling-off requests

from state and local law enforcement agencies; however, advances in technology and laboratory technique, which permit more indepth analysis of evidence, can be expected to increase the actual number of examinations conducted. The increase requested will maintain this program essentially at the 1981 "current services" level.

In the Forensic Services - Federal Program, FBI investigators are maximizing their use of physical evidence and are placing greater demands on the laboratory for direct scientific and technical support to ongoing investigations. A portion of the enhancements requested will provide the necessary personnel, equipment, and research to keep pace with these demands.

Additionally, the Forensic Science Research and Training Center will open in June, 1981. A significant portion of the requested enhancement will be utilized to augment the research staff, provide a support staff, and complete the purchase of instrumentation of this new facility.

State and Local Training

On page 58 of the original justifications, you mention that the estimated decrease in state and local laboratory personnel to be trained in FY 1981 is due to a lack of funds for travel to Quantico. However, you estimate that 1,800 students will receive training in FY 1982. What is the basis for your expectation that there will be a turn-about in state and local attendance in FY 1982?

Many of the specialized forensic science training courses available through FBI Laboratory facilities at Quantico are not available anywhere else in the United States. There are presently in excess of 3,000 applications from state and local crime laboratory personnel on file to attend these courses, and new applications are being received at the rate of approximately 50 per week.

In FY 1981 the Laboratory proposed 87 schools with a total of 1,663 students. Budgetary constraints on travel have limited the number of students who will actually receive training to 400 (301 state and local and 99 FBI agent in-service).

Even though the training of state and local crime laboratory personnel remains the highest priority in the Forensic Services - Non-federal Program, these constraints coupled with increased airfares continue to limit implementation. The FBI Training Division budgets for student travel to and from the FBI Academy. The estimate set forth in the 1982 budget, that 1,800 students will receive forensic science training, is based on the expectation that adequate travel funds will be provided.

For many years the Federal Bureau of Investigation has paid all expenses for forensic science training as well as other types of training for state and local law enforcement personnel. Is it not reasonable to expect state and local governments to share some of the direct training costs such as travel expenses?

The FBI has provided cost-free training as a cooperative law enforcement effort since the 1930's. Based on the following factors, a

change in this policy would result in a dramatic reduction or elimination of training assistance.

Many state and local jurisdictions as well as individual police officers would be unable to afford any portion of the costs of training provided by the FBI. This would immediately impact on the large metropolitan departments which are suffering a declining tax base and a shrinking budget, as well as on the small rural law enforcement agencies which have no funds available for training. It should be noted that due to the present economic conditions, New York City police officers are prohibited from receiving any external training in which a fee is levied against the city.

A program in which the Bureau would charge for its training would result in an unequal distribution of training; for example, West Coast jurisdictions would be at a distinct disadvantage in utilizing Quantico-based training resources.

An important aspect of the FBI's training program is its specialized expertise. Consultation is provided in major impact cases which fall solely within the jurisdiction of state and local agencies. On occasion, it would be impossible to distinguish between training, consultation, and direct investigative support in such cases.

The Bureau's primary function continues to be investigative in nature. In support of this function, field police training has been provided on a part-time basis by our investigators according to their availability. As such, the FBI does not desire to be in a position in which a contractual training obligation could not be fulfilled due to an emergency or high priority investigation requiring the reprogramming of personnel and resources from training to investigative operations.

A program in which the Bureau requires reimbursement for portions of its training could also place the Bureau in the position of being in direct commercial competition with private sector organizations, which raises both ethical and legal questions. Such a reimbursement plan could also result in the development of training programs which are financially attractive rather than programs specifically designed to address the demonstrated training needs of the general law enforcement community.

Increase for ADP and Telecommunications

An increase of \$9,012,000 is requested for ADP and Telecommunications. What is the status of your ADP procurement program? When will you complete it and will the cost of the program be within the amounts budgeted?

The increase of \$9,012,000 is requested to support the development and implementation of Automated Data Processing (ADP) and data communications capabilities which are dedicated to the FBI's investigative mission. These initiatives are as follows:

- . The continued development and implementation of dedicated organized crime and foreign counterintelligence information analysis capabilities. The requested funding will provide

FBI field offices with secure data terminals, encryption devices, and necessary site upgrades of electrical power and air conditioning.

- . The application of office automation technology to the FBI's field offices. This technology involves the integration of word processing and data communications. The requested funding will provide for the partial implementation of office automation concepts with the New York field office.
- . The development and implementation of a modern, cost-effective, and secure data communications infra-structure to support transmission of the data associated with the two above-noted initiatives between FBI Headquarters and all FBI field offices. The requested funding will provide for the conversion of an inefficient and expensive dial-up internal FBI teletype system to a modern and efficient secure system. Plans involve obtaining data communications services from the Department of Defense Automated Digital Network.

The Automated Data Processing and Telecommunications budget request is actually \$3,700,000 less than the original request. A decision was made to delay computerization by one calendar quarter. All of the reduction involved capital investments of ADP equipment, and it was necessary for the FBI to restructure its Long-Range ADP Plan to reflect FY 1982 objectives which must now be moved forward to FY 1982. This delay will result in a ripple effect by delaying FY 1983 and out year objectives and moving them forward one year.

Most of the requested increase involves capital investments, and it is anticipated that ADP equipment procurements will be completed during FY 1982. However, some procurements scheduled for completion at the end of FY 1982 need not be terminated due to an uncontrollable delay. It is noted that the ADP procurement process is complicated and time-consuming and each procurement action will take between 9 to 18 months.

Request for Records Management Division

Under Records Management, you are requesting an increase of \$982,000. Among the items that would be funded with this increase, is an outside consultant study of current automation efforts and future automation requirements of the records system. Why is such a study necessary? Does it have anything to do with the significant increase in Freedom of Information Act and the Privacy Act backlog that is projected for 1983? Why aren't the improvements in Records Management outlined on page 48 of the justifications anticipated to significantly affect this backlog?

Our Records Management Division (RMD) is requesting a consultant study in FY 1982 for an analysis of the Automated Records Management System (ARMS). Elements of the ARMS program include the File Automated Control System (FACS), which is a computerized file inventory of the more than five million administrative and investigative files; the Automated Incoming Mail Serialization (AIMS-phase I and II) which has enabled in Phase I, the on-line serialization of all mail and cross-reference searching of the date, source, classification,

serial and type of mail and, in Phase II, the discontinuance of preparing hard-copy abstracts in the administrative matters. The next phase is the automation of the central cards index and the integration of this system with present on-line systems. Discussions have been held with a consultant who has extensive experience and expertise in retrieval systems, and who will advise RMD of the most viable and cost effective systems and methods to utilize in automating the FBI Headquarters (FBIHQ) card index. This study will enable RMD to analyze the stages of the ARMS program that have been implemented and examine the program and hardware that will be responsive to the searching retrieval requirements of the FBI field offices, FBIHQ officials, the name check program, and search requirements for the processing of mail. This study would also examine the applicability of certain phases of the SAFE system (a joint CIA-DIA venture) to the RMD ARMS effort.

This study has nothing to do with the Freedom of Information and Privacy Acts (FOIPA).

The estimated accomplishment and workload figures for the FOIPA program in 1983 were inadvertently obtained from an earlier budget analysis prepared for the Office of Management and Budget and represented a projected output for 1983 based on an assumed reduction of 25 workyears. As a result, a significant increase was projected for 1983 in the backlog of requests and administrative appeals.

The projections for 1981 and 1982 as shown on page 47 of the January justification were predicated on actual year end results achieved during FY 1980. Similar estimates for 1983, assuming no reduction in the 1982 funding level, should have been projected as follows:

No record and administrative closings.....	9,750
Requests processed with identifiable records released.....	5,392
Total requests handled.....	15,142
Backlog of requests*.....	2,180
Appeals resolved and closed.....	1,400
Backlog of appeals.....	615
Correction/amendment requests resolved.....	100

*Backlog does not include those matters which are predictably no record or can be administratively closed.

The backlog of FOIPA requests and administrative appeals should have been projected as follows:

	<u>1981</u>	<u>1982</u>	<u>1983</u>
Backlog of requests.....	2,646	2,322	2,180
Backlog of appeals.....	475	515	615

The FBI does continue to anticipate that the improvements outlined on page 48 will contribute to a gradual reduction of FOIPA backlogs. Some of the improvements have been implemented, others will not be fully operational until the end of FY 1981 and their effect will have to await actual assessment in FY 1982. Resources have also been re-assigned within the FOIPA Section to stop the projected growth in the backlog of administrative appeals.

Funding of Hazardous Devices Course

You are requesting an increase of \$624,000 and one position for General Law Enforcement Training in connection with the hazardous devices and bomb training at Redstone Arsenal, Alabama. This program used to be funded through the Law Enforcement Assistance Administration. Why has the FBI decided to continue this course rather than let it terminate along with many of the other LEAA programs?

Law Enforcement Assistance Administration (LEAA) funding for the Redstone Arsenal Hazardous Devices Course was scheduled to be discounted as of February 29, 1981. This caused concern on the part of Senator Howell T. Heflin, Alabama, and Senator Edward M. Kennedy, Massachusetts, who in turn became supportive of the FBI assuming responsibility for the program.

The FBI has been closely associated with the Hazardous Devices Course for many years and firmly believes in the merits of this highly professional-type training. Further, it is an established fact that no other adequate program for this type of training presently exists in this country. Given the tenor of the times, it is our belief that this course should continue as an integral part of a viable anti-terrorist capability in the United States. Since the FBI currently conducts refresher training for bomb technicians and bombing investigators, sponsorship of the Hazardous Devices Course by the FBI would unify the entire program. In addition, the FBI has concurrent jurisdiction with state and local law enforcement agencies in the investigation of bombing matters. This sponsorship would complement the FBI's mandate to investigate terrorist activities in the United States, noting that during Calendar Year 1979, approximately 80 percent of all terrorist incidents were bomb-related. Agreement has been secured from the Department of the Army through the Commandant of the U.S. Army Missile and Ammunition Center and School, Redstone Arsenal, Alabama, by letter dated October 17, 1980, to continue operation of the Hazardous Devices Course at Redstone Arsenal, Alabama, under FBI sponsorship.

Increase for Fingerprint Identification Program

The increase of \$1,275,000 for the Fingerprint Identification Program is for the purchase of data entry and related equipment and other automated systems. What is the related equipment and other automated systems. What is the total cost of these systems, and will you need additional money in FY 1983 to complete the purchase of these systems?

The amount of \$1,275,000 consists of \$99,000 for the rental of facsimile equipment, \$367,000 for the acquisition of additional data entry equipment, \$200,000 for the development of an automated latent fingerprint identification system, and \$609,000 to be used to complete and "fine tune" work functions wherein automation has already been introduced.

The amount of \$99,000 for rental of facsimile equipment is to allow for expanding use of such equipment by law enforcement agencies. This equipment allows law enforcement agencies to transmit fingerprints to the Division for identification purposes in urgent situa-

tions, e.g., cases involving fugitives, deceased persons, and amnesia victims. Although funds will not be requested in FY 1983 for such equipment, it is anticipated that the usage of facsimile equipment will continue to expand in the future, thus necessitating the rental of additional equipment in subsequent years.

The sum of \$367,000 for the acquisition of additional data entry equipment is needed to provide for the ever-increasing amount of work that is being processed through the automated functions of the Identification Division. As time goes on, the automated files will continue to grow, and the amount of work processed through these files will likewise continue to grow. This necessitates the acquisition of additional data entry equipment from time to time. It is anticipated that additional equipment will be required during 1983 and subsequent years until all work processed through the Identification Division is being processed through the automated system.

The sum of \$200,000 for the continued development of an automated latent fingerprint identification system represents only those funds necessary to prepare the specifications of the desired system. Additional funds will be required to actually produce and implement this system.

The sum of \$609,000 is included to bring currently available automated operations to their most cost-beneficial status. This sum of money would permit the completion of those automation projects that would lead to early operational use in direct support of the current operations within the Identification Division. This effort would only complete and "fine tune" those projects already developed. A feasibility study of the automation project has been performed by the Jet Propulsion Laboratory.

Investigation of Vernon Jordan Case

Can you provide the cost to date of the investigation of the attempted murder of civil rights leader Vernon Jordan?

On May 29, 1980, at 2:10 a.m., Vernon E. Jordan, III, Executive Director of the National Urban League was shot in Fort Wayne, Indiana, by an individual utilizing a .30.06 caliber rifle.

Intensive investigation was initiated by our Indianapolis Division with leads being directed to every FBI field office as well as to FBI Legal Attache Offices in London, England, and Bonn, West Germany.

Exhaustive and extensive investigation was conducted throughout the United States in conjunction with the shooting of Mr. Jordan and into what appeared to be numerous racially motivated homicides. Joseph Paul Franklin was developed as a prime suspect responsible for these deaths and ultimately through the massive investigative efforts of numerous field offices as a suspect in the shooting of Vernon Jordan.

No specific cost data is available for this case. The case is included in the expenditure for the Civil Rights Program.

THURSDAY, MARCH 26, 1981.

IMMIGRATION AND NATURALIZATION SERVICE

WITNESSES

DAVID CROSLAND, ACTING COMMISSIONER
JAMES A. KENNEDY, ACTING COMPTROLLER
THOMAS N. PERRELLI, DIRECTOR, PROGRAM PLANNING AND BUDGET
STAFF
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION
WADE B. HOUK, DIRECTOR, BUDGET STAFF
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NATION
ROGER BRANDEMUEHL, ASSISTANT COMMISSIONER FOR BORDER
PATROL
ROBERT A. KANE, ASSOCIATE COMMISSIONER FOR OPERATIONS SUP-
PORT
HUGH BRIEN, ASSISTANT COMMISSIONER FOR DETENTION AND DE-
PORTATION

Mr. SMITH. The next item is the Immigration and Naturalization Service. The budget request for fiscal year 1982 is \$363,376,000 and that is a decrease of \$15,674,000.

We will insert the original justification materials as well as the amended materials at this point in the record.

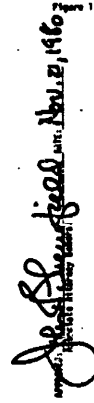
[The justifications follow:]

(1001)

Department of Justice
Immigration and Naturalization Service
Budget Estimate, Fiscal Year 1962
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Immigration and Naturalization Service

Appropriation Summary Statement

Appropriation: Salaries and Expenses, Immigration and Naturalization Service

The mission of the Immigration and Naturalization Service is to facilitate entry of individuals legally admissible as visitors or immigrants, and to grant them benefits to which they are entitled; to prevent improper entry and the granting of benefits to those not legally entitled to them; to apprehend and remove those aliens who enter illegally and/or whose stay is not in the public interest; and to enforce sanctions against those who act or conspire to subvert the requirements for selective and controlled entry. Specifically, it is the responsibility of the Service to determine, in a timely and consistent manner, the admissibility of persons seeking entry into the United States - and to adjust the status of and provide other benefits to legally entitled aliens within the country with proper regard to equity and due process. This includes assistance to those who seek permanent resident status and those who wish to become citizens through naturalization. Further, it is the responsibility of the Service to ensure appropriate documentation of aliens at entry, to deny entry to those not legally admissible, whether they attempt to enter through ports of entry or surreptitiously across the border, and to control the status of those in the country. The Service is also responsible for deterring future illegal entry and stay, including enforcement of criminal provisions against those who act or conspire to promote such entry and stay. Finally, the Service has the responsibility to detect, apprehend and remove those aliens whose entry was illegal, whether undocumented or fraudulent and those found to have violated the conditions of their stay within the nation.

The workload for INS continues to show a steady increase annually. This increase is not only in the law enforcement activities but is also very evident in the service to the public activities and in the management functions required to operate the Service in an effective, efficient and economical manner. The Service is increasing its emphasis on managing the increased workload.

During 1980, INS had planned to undertake an extensive automation effort concentrated in the recordkeeping areas. However, some serious questions were raised by the House Government Operations Committee regarding the INS proposal to automate its recordkeeping functions. As a result, GSA suspended our authority to acquire the hardware for the automation effort pending the development of a long-term plan to integrate automation into operational and management activities. The House Government Operations Committee has commented favorably on our planning efforts thus far and has indicated that it will recommend a partial lifting of the hold on ADP procurement. INS will therefore be able to proceed with some aspects of automation during 1981.

The Select Commission on Immigration and Refugee Policy will complete its work in 1981. The Commission's interim report was completed prior to preparation of this budget, it strongly recommends an increase in Enforcement. The Commission's final report and any resulting legislation could impact on INS operations. Our 1982 Budget Estimate does not anticipate any of the Commission's possible recommendations.

In the service to the public programs the workload also continues to increase. Although passage is very tentative, we have considered passage of the "efficiency legislation" which would enable the Naturalization Program to meet more efficiently its increased demands.

Two programs in the Operations Support Activity and one in the Detention and Deportation Activity contain program increases each tied to the operational and management needs of the Service. Funds are required for the repair and rehabilitation of Service-owned facilities, the majority of which support the enforcement operations and to operate the newly renovated Krome North Site detention facility in Florida. Funds are also needed to pay increased usage billings from the Justice Data Management Service. The Service's Financial Management Information System will be enhanced with funds requested in this estimate. Finally, a redesigned Nonimmigrant Document Control system will be implemented as a result of studies completed with 1980 funds specifically authorized by the Congress.

The reduction proposed for 1982 reflect the Presidential intent of keeping 1982 employment at 1981 levels.

Immigration and Naturalization Service
Proposed Authorization Language

The Immigration and Naturalization Service is requesting the following authorization language:

For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including -

- (A) advance of cash to aliens for meals and lodging while enroute;
- (B) payment of allowances to aliens, while held in custody under immigration laws, for work performed;
- (C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;
- (D) payment of rewards;
- (E) not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate;
- (F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;
- (G) acquisition, lease, maintenance, and operation of aircraft;
- (H) payment for firearms and ammunition and attendance at firearms matches;
- (I) operation, maintenance, remodeling and repair of buildings, and the purchase of equipment incident thereto;
- (J) refunds of maintenance bills, immigration fines, and other items returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;
- (K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;
- (L) acquisition of land as sites for enforcement fences, and construction incident to such fences;
- (M) benefits in accordance with, or comparable to, benefits provided under sections 901(3), (5), (6), (8), (9), and 904 of the Foreign Service Act of 1980 (22 USC 4081(3), (5), (6), (8), (9), and 22 USC 4084) under regulations issued by the Secretary of State;*;
- (N) research related to immigration enforcement which shall remain available until expended; and
- (O) not to exceed \$100,000 which may be used for the emergency replacement of aircraft upon the certificate of the Attorney General;

\$385,039,000.

*This language is similar to language presented in the 1981 Department of Justice Authorization Bill; it does not contain any significant substantive changes in authorities. This new language conforms the 1982 Authorization Bill to the Foreign Service Act of 1980. Prior authorization language was based upon the Foreign Service Act of 1946.

Immigration and Naturalization Service

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1962 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Immigration and Naturalization Service, Salaries and Expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including, not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed five hundred ten, of which four hundred thirty shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; (\$351,000,000) of which not to exceed \$400,000 shall remain available for such research until expended: Provided, that none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$20,000, except in such instances when the Commissioner makes a determination that this restriction is impossible to implement.

payment of allowances (at a rate not in excess of \$4 per diem) to aliens for work performed while held in custody under the Immigration Laws;

\$395,039,000

Explanation of change:

The change increases the amount which may be paid to aliens who do work for the Service while held in INS detention facilities. 8 USC 1555 requires that the rate of payment of allowances be specified from time to time in the Appropriation Act. The present rate of reimbursement, \$1.00 per day, has been in effect since 1948, and is too low to encourage aliens to volunteer for work in and around the detention facilities. The requested rate of \$4.00 per day simply accounts for inflation from 1948 to the present, and would be sufficient to obtain enough volunteers to do the simple chores required. No additional funds are requested, and the total cost of the change would be under \$4,000 per year.

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Immigration and Naturalization Service

Crosswalk of 1991 Changes
(Dollars in thousands)

Activity/Program	1991 President's Budget Request		Congressional Appropriation Actions on 1991 Request		1991 Supplementals Requested		1991 Appropriation Anticipated					
	Pos.	Net.	Pos.	Net.	Pos.	Net.	Pos.	Net.				
1. Border Enforcement												
Inspections.....	1,559	1,665	950,246	...	...	-332	3596	-74	33,133	1,559	1,591	\$53,943
Border Patrol-Immediate..	2,534	2,515	71,333	160	96	4,311	2,811	-92	1,076	2,694	2,519	79,531
Anti-Smuggling.....	312	303	10,227	...	...	-20	1,978	-25	125	312	278	12,310
Alien Documentation.....	82	80	6,088	...	...	2	2	-25	-257	82	55	5,833
Subtotal.....	4,487	4,563	137,894	160	96	4,759	5,387	-216	4,077	4,647	4,443	151,617
2. Interior Enforcement												
Border Patrol - Other....	182	180	5,981	...	...	-24	134	-10	426	182	170	6,517
Investigations.....	798	817	25,413	...	...	-28	477	-75	1,800	798	742	28,652
Subtotal.....	980	997	32,394	...	...	-52	611	-85	2,226	980	912	35,179
3. Detention and Deportation												
Detention.....	508	514	17,561	10	6	304	6,085	-15	396	518	505	24,446
Deportation.....	406	390	17,232	...	...	497	116	-41	-225	406	349	17,620
Trial Litigation.....	83	72	2,644	...	...	...	6	-4	179	83	68	2,829
Judicial Review.....	98	114	3,558	...	...	...	11	-21	223	98	93	3,792
Subtotal.....	1,096	1,090	41,095	10	6	801	6,218	-81	673	1,106	1,015	46,687
4. Intelligence												
Intelligence.....	47	31	1,450	...	...	...	...	-1	80	47	30	1,530
Subtotal.....	47	31	1,450	...	...	...	...	-1	80	47	30	1,530
5. Service to Public												
Adjudications Operations.	910	996	25,031	...	...	-28	352	-77	1,204	910	919	26,559
Naturalization Operations	452	392	11,288	...	...	-16	20	-17	712	452	375	12,004
Status Verification.....	253	293	9,148	...	...	-8	65	-22	644	253	271	9,869
Information Services.....	320	330	7,073	...	...	-12	...	-16	457	320	314	7,518
Overseas.....	138	121	6,613	-15	-15	-174	-10	-21	58	123	85	5,907
Subtotal.....	2,073	2,132	59,153	-15	-15	-336	-477	-153	3,095	2,058	1,961	61,857

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Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Supplementals Requested			1981 Appropriation Anticipated		
	Pos.	WT	Amt.	Pos.	WT	Amt.	Program Amt.	Pay VI	Amt.	Pos.	WT	Amt.
6. Support Operations												
Training.....	49	56	85,415	...	...	8359	81	-6	-8255	49	50	85,520
Research and Development	1	1	451	...	...	...	...	1	4	1	2	45
Construction and Engineering.....	7	10	2,759	...	...	...	450	...	28	7	10	3,237
Data Systems.....	127	115	12,011	...	...	-2,012	...	-44	-456	127	71	9,943
Communications Systems..	10	22	3,484	...	...	312	1	-6	-264	10	16	3,533
Records.....	958	970	16,093	...	...	-28	1	-160	1,003	958	810	17,069
Statistics.....	49	47	976	...	...	...	...	-10	4	49	37	960
Subtotal.....	1,201	1,221	41,189	...	...	-1,359	453	-225	64	1,201	956	40,337
7. Program Direction												
Executive Direction and Control.....	428	510	17,531	15	15	478	10	-67	1,194	443	458	19,213
Administrative Services..	404	444	16,594	...	...	21	6	-7	659	404	437	17,680
Subtotal.....	832	954	34,125	15	15	499	16	-74	1,853	847	895	36,893
Total.....	10,716	10,988	347,700	170	102	3,300	13,132	-835	11,968	10,806	10,255	376,100

Explanation of Analysis of Changes from 1981 Appropriation Request

Supplementals Requested

1. The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981) - \$11,968,000.
2. Supplemental funding for Cuban/Haitian program - \$8,900,000.
3. Supplemental funding for fuel, utility costs and Fair Labor Standards Act payments - \$4,232,000.

Immigration and Naturalization Service

Salaries and Expenses

Summary of Requirements
(Millions in thousands)

	<u>1960 Enacted</u>			<u>1960 Actual</u>			<u>1961 Appropriation</u>			<u>1962 Base</u>			<u>1962 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>NY</u>	<u>Amount</u>	<u>Perm.</u>	<u>NY</u>	<u>Amount</u>	<u>Perm.</u>	<u>NY</u>	<u>Amount</u>	<u>Perm.</u>	<u>NY</u>	<u>Amount</u>	<u>Perm.</u>	<u>NY</u>	<u>Amount</u>	<u>Perm.</u>	<u>NY</u>	<u>Amount</u>
<u>Estimates by budget activity</u>																		
Border enforcement.....	4,700	4,422	\$140,564	4,700	4,330	\$140,749	4,647	4,443	\$151,617	4,647	4,458	\$156,925	4,362	4,458	\$154,723	-205	...	-12,202
Interior enforcement.....	1,019	1,023	34,686	1,019	975	34,039	980	912	25,179	980	898	25,416	899	898	25,416	-81	...	...
Detention and deportation.....	1,106	1,106	44,059	1,106	1,065	44,334	1,106	1,015	40,607	1,106	1,032	47,142	1,039	1,032	49,342	-67	...	2,200
Intelligence.....	47	30	1,169	47	36	1,223	47	30	1,530	47	25	1,461	25	25	1,461	-22	...	...
Service to public.....	2,043	2,000	52,575	2,043	1,904	52,016	2,058	1,964	61,067	2,058	1,994	63,651	1,953	1,994	63,651	-105	...	...
Support operations.....	1,196	1,214	34,060	1,196	1,062	35,906	1,201	996	40,337	1,201	1,191	40,876	1,178	1,191	42,440	-23	...	1,564
Program direction.....	632	959	34,020	632	962	24,106	647	895	25,893	647	891	26,005	829	891	26,005	-19	...	...
Total.....	10,943	10,794	349,131	10,943	10,415	251,252	10,906	10,255	276,100	10,906	10,409	303,477	10,201	10,409	305,149	-605	...	1,642

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Summary of adjustments to base and built-in changes:

1961 as enacted.....	10,006	11,090	\$251,000	10,006	10,255	376,100	10,006	10,409	303,477
Supplementals requested:																		
1961 Pay supplemental requested.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1961 Program supplemental requested.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1961 appropriation anticipated.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Uncontrollable increases.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Decreases.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1962 base.....	10,006	10,409	303,477	...	...	...	10,006	10,409	303,477	...	...	...	10,006	10,409	303,477	...	...	...

Immigration and Naturalization Service
Summary of Resources by Program
(Values in thousands)

Estimates by Program	1969 as Enacted			1969 Appropriation			1962 Data			1962 Estimate			Increase/Decrease		
	Per-	WT	Amount	Per-	WT	Amount	Per-	WT	Amount	Per-	WT	Amount	Per-	WT	Amount
Border Enforcement:															
Inspection.....	1,064	1,000	915,200	1,064	1,000	915,200	1,064	1,000	915,200	1,064	1,000	915,200	...	...	...
Immigration.....	2,044	2,000	1,800,000	2,044	2,000	1,800,000	2,044	2,000	1,800,000	2,044	2,000	1,800,000	...	...	...
Anti-Smuggling.....	312	303	10,000	312	303	10,000	312	303	10,000	312	303	10,000	...	...	...
Alien Registration.....	130	125	5,000	130	125	5,000	130	125	5,000	130	125	5,000	...	...	...
Subtotal.....	4,550	4,428	3,730,200	4,550	4,428	3,730,200	4,550	4,428	3,730,200	4,550	4,428	3,730,200	...	...	...
Interior Enforcement:															
Border Patrol - Other than Border.....	271	262	8,120	271	262	8,120	271	262	8,120	271	262	8,120	...	...	...
Investigation.....	799	781	2,000	799	781	2,000	799	781	2,000	799	781	2,000	...	...	...
Subtotal.....	1,070	1,043	10,120	1,070	1,043	10,120	1,070	1,043	10,120	1,070	1,043	10,120	...	...	...
Detention and Deportation:															
Detention.....	910	827	20,411	910	827	20,411	910	827	20,411	910	827	20,411	...	...	...
Deportation.....	400	372	10,000	400	372	10,000	400	372	10,000	400	372	10,000	...	...	...
Trial Utilization.....	40	37	1,000	40	37	1,000	40	37	1,000	40	37	1,000	...	...	...
Judicial Review.....	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	...	...	...
Subtotal.....	1,350	1,236	32,411	1,350	1,236	32,411	1,350	1,236	32,411	1,350	1,236	32,411	...	...	...
Intelligence:															
Intelligence.....	47	30	1,100	47	30	1,100	47	30	1,100	47	30	1,100	...	...	...
Subtotal.....	47	30	1,100	47	30	1,100	47	30	1,100	47	30	1,100	...	...	...
Service to Public:															
Administrative Operations.....	910	889	20,567	910	889	20,567	910	889	20,567	910	889	20,567	...	...	...
Information Operations.....	40	37	1,000	40	37	1,000	40	37	1,000	40	37	1,000	...	...	...
Public Relations.....	100	90	2,000	100	90	2,000	100	90	2,000	100	90	2,000	...	...	...
Records.....	100	90	2,000	100	90	2,000	100	90	2,000	100	90	2,000	...	...	...
Subtotal.....	1,150	1,096	25,567	1,150	1,096	25,567	1,150	1,096	25,567	1,150	1,096	25,567	...	...	...
Support Operations:															
Training.....	40	37	1,000	40	37	1,000	40	37	1,000	40	37	1,000	...	...	...
Research and Development.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Construction and Engineering.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Public Systems.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Communications Systems.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Records.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Statistics.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Subtotal.....	1,150	1,106	25,567	1,150	1,106	25,567	1,150	1,106	25,567	1,150	1,106	25,567	...	...	...
Program Director:															
Executive Director and Control.....	40	37	1,000	40	37	1,000	40	37	1,000	40	37	1,000	...	...	...
Administrative Services.....	10	10	1,000	10	10	1,000	10	10	1,000	10	10	1,000	...	...	...
Subtotal.....	50	47	2,000	50	47	2,000	50	47	2,000	50	47	2,000	...	...	...
Total.....	10,943	10,794	349,111	10,943	10,794	349,111	10,943	10,794	349,111	10,943	10,794	349,111	...	...	...
Other Workers:															
Holiday.....	40	37	1,000	40	37	1,000	40	37	1,000	40	37	1,000	...	...	...
Subtotal.....	40	37	1,000	40	37	1,000	40	37	1,000	40	37	1,000	...	...	...
Total comparable workers.....	11,023	10,868	350,111	11,023	10,868	350,111	11,023	10,868	350,111	11,023	10,868	350,111

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Immigration and Naturalization Service

Justification of Program and Performance

Activity Resource Summary

Activity: Border Enforcement	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Inspections Program.....	1,559	\$53,943	1,559	\$54,616	1,459	\$54,616	-100	...
Border Patrol Program - Immediate Border.....	2,694	2,519	79,531	2,694	2,532	84,594	2,534	82,362
Anti-Smuggling Program.....	312	278	12,310	312	310	11,383	312	11,383
Alien Documentation (ADIT) Program.....	82	55	5,833	82	57	6,342	57	6,342
Total.....	4,647	4,443	151,617	4,647	4,458	156,925	4,362	154,723

This activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons. Also included are the Alien Documentation (ADIT) and Anti-Smuggling Programs.

Activity: Inspections Program.....	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Inspections Program.....	1,559	\$53,943	1,559	\$54,616	1,459	\$54,616	-100	...

Long-Range Goal: To facilitate the entry of persons into the United States, and to deter illegal entry through the detection of male fide applicants.

Major Objectives:

Inspect 339,033,000 persons applying for admission into the United States.
Prevent the entry of 850,000 inadmissible applicants through ports of entry.
Adjudicate 800,000 applications and petitions at ports of entry.
Issue 200,000 border crossing cards at ports of entry.

Base Program Description: The inspection of persons applying for admission to the United States is coordinated with the Department of State, the Department of Agriculture, the U.S. Customs Service and local port authorities. With the cooperation of the U.S. Customs Service, INS has developed the "citizen by-pass" and "one-stop" inspection procedures to better utilize inspection resources. In addition, Immigration Inspectors receive applications for border crossing cards from aliens, conduct interviews to determine if the applicants are eligible, process denials and issuances of border crossing cards. When not actually engaged in the inspection of applicants for admission, Immigration Inspectors adjudicate applications and petitions for benefits under the law.

Accomplishments and Workload: Accomplishments of the Inspections Program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Total persons inspected.....	275,039,609	308,982,835	323,660,000	339,033,000
Citizens inspected.....	107,525,489	119,837,147	126,057,000	130,500,000
Aliens inspected.....	167,514,120	189,145,688	198,603,000	208,533,000
Persons admitted.....	274,089,609	308,089,762	322,745,000	338,183,000
Citizens admitted.....	107,525,489	119,837,147	126,057,000	130,500,000
Aliens admitted.....	166,564,120	188,252,615	197,688,000	207,683,000
Aliens withdrawing at entry.....	973,625	893,073	915,000	850,000
Border Crossing Cards issued.....	223,806	215,187	236,000	200,000
Remoted adjudications completed.....	800,072	815,166	850,000	800,000

Because each person who applies for entry into the United States is inspected to determine admissibility, program effectiveness is measured in terms of facilitation to the public and the denial of entry to inadmissible aliens. Efforts are made to reduce the amount of time required to inspect an individual. Implementation of the "citizen by-pass" at 24 major international airports and "one-stop" at Philadelphia, PA; Edmonton, Canada; and Los Angeles, CA will help the Service attain its goal of facilitating inspection of arriving passengers. The Inspections Program's participation in the remoted adjudications program has enabled the Service to become more responsive to requests by the public for benefits under the Immigration and Nationality Act. Currently, Immigration Inspectors are adjudicating 47 percent of all applications and petitions at ports of entry during standby time. In addition, an effort is being made to meet the growing demand for border crossing cards. Denying the entry of inadmissible aliens is another primary objective of the Inspections Program. The ability of the Inspector to perform quality inspections is measured by the detection of false file applicants. To improve performance, a training program for cross-designated INS and U.S. Customs Service Inspectors has been developed and implemented along the Southern Border.

Program Changes: A decrease of 100 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

1981 Appropriation	Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount

Border Patrol Program - Immediate

Border..... 2,694 2,519 \$79,531 2,694 2,532 \$84,584 2,534 2,532 \$82,382 -160 ... -\$2,202

Long-Range Goal: To protect and defend the rights of United States citizens and legal entrants by preventing the entry of undocumented aliens along the land borders of the United States.

Major Objectives: Increase the deterrent capability of the Border Patrol through the apprehension of the majority of illegal entrants within 100 miles of the border.

Base Program Description: The protection of the rights of United States citizens will be served through the administration of three major program activities. The requested resources will support these activities. They are as follows:

1. Linewatch will continue to be the primary border activity. The prevention of entry, or the immediate apprehension of entrants, is the most effective method of accomplishing the objectives.
2. Once an illegal entry has been made, successful entrance into the interior is restrained by:
 - a. Maintenance of traffic check coverage on major routes of travel on the U.S. side of the border.
 - b. Full-time surveillance of public transportation systems in the immediate border areas.

Linewatch will continue to be supported by the highest technology available. In conjunction with the INS Research and Development Program, the Border Patrol tests and accepts, or rejects, a wide range of equipment. These include infrared devices, sensors, low-light TVs, line simulation models, and other equipment. Violence has been reduced by the loan of Army helicopters and the institution of horse patrols at selected locations. Though expensive in terms of operating costs, helicopters, in addition to their ability to prevent violent confrontations, provide, through the use of loudspeakers and lights, a nighttime deterrent to entry previously unknown in the Border Patrol.

INS has operational agreements with both Customs and DEA to ensure enforcement of all border-related laws. The Border Patrol actively participates in the El Paso Intelligence Center as both a user and contributor of intelligence data.

Accomplishments and Workload: Accomplishments of the Border Patrol Program - Immediate Border are presented in the following table:

Item	Estimates		
	1979	1980	1981
Deportable aliens apprehended.....	785,911	683,142	1,004,000
Smuggled aliens apprehended.....	132,722	83,788	123,000
Smugglers apprehended.....	14,928	12,518	18,000

The Border Patrol has traditionally used apprehensions as a measure of productivity. Apprehensions, however, are more a measure of activity than productivity. Theoretically, the number of apprehensions would approach zero as the Border Patrol approaches its long-range goal. However, as long as the Border Patrol is required by the number of illegal entrants to continue its reactive rather than preventive posture, apprehensions will continue to be our best measure of goal accomplishment.

During 1980, the number of apprehensions of undocumented aliens declined by 13 percent from the previous year. This decline was the result of two unpredictable events. The Cuban Refugee Program caused a large decline in available workyears through the detail of as many as 220 officers to the Florida area and various refugee camps within the United States. The large drain in resources necessary to support this operation caused an additional reduction in many of our normal activities. The second event which caused a decline in apprehensions was the 1980 Census. Border Patrol operations related to farm and ranch check and city patrol were severely restricted to allow for a Census count of all U.S. residents, whether legal or otherwise. We do not believe that this decline in apprehensions is indicative of a general decline in illegal alien activity. In fact, during the first quarter of 1980 (prior to the Cuban Refugee Program and the 1980 Census) we observed a 4.9 percent increase in apprehensions over the same period in 1979.

Border violence was a factor in 1980. Safety of the illegal entrants, as well as the Border Patrol Agents became a high priority for this program. Violence was stemmed by the initiation of a long-term loan agreement with the U.S. Army for eight OH-6A helicopters. Equipped with lights, speakers, and the proper radio equipment they are particularly effective in stemming violence and preventing violent situations at night. The Border Patrol also initiated a horse patrol at selected locations. Horses have proven to be very effective in crowd control and are immune to tear gas. The Border Patrol did not have to purchase either the helicopters or horses and was able to fund operating costs within the existing budget. We plan to continue to fund these programs through 1981 and 1982.

In 1981 and 1982, we expect apprehensions of undocumented aliens to increase to 1,004,000. This is primarily based on an expected increase in workyears and the assignment of agents to high activity locations. The Border Patrol continues to support the National Anti-Smuggling Program by the aggressive pursuit and apprehension of smugglers and smuggled aliens along our national borders.

Program Changes: A decrease of 160 positions and \$2,202,000 is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment and a decrease in other costs.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm.	NY Amount
Anti-Smuggling Program.....	312	278 \$12,310	312	310 \$11,383	312	310 \$11,383	...	...

Long-Range Goal: To disrupt large smuggling rings and reduce the number of smuggled aliens illegally in the United States.

Major Objectives:

Arrest and support the prosecution of the ringleaders of 55 smuggling groups categorized as top priority cases. Destroy their organizational structure, both physically and economically, through prosecution of key figures at the various smuggling stages, such as recruiters, safehouse operators, and employment brokers and through seizure of vehicles used in smuggling.

Suppress activities of independent smugglers and low level accomplices by continuing pressure on this class of violator through identification and prosecution in the most expeditious manner.

Coordinate information on a national level and develop an intelligence network to enhance enforcement efforts concerning known violators.

Base Program Description: Anti-Smuggling agents identify and infiltrate conspiracies of major importance. Border Patrol Anti-Smuggling Units continue to exert maximum pressure on day-to-day smuggling operations through investigation of smugglers encountered by other Border Patrol personnel engaged in traffic check, linecheck, farm and ranch check, and transportation activities. Anti-Smuggling Units depend upon discoveries by investigators in Area Control-Illegal Status Activities. Local informational contacts will also be expanded. Liaison with Canadian and Mexican officials, other U.S. agencies and participating state and municipal police will be encouraged.

Alien smuggling cases are categorized generally by the number of aliens handled monthly by smugglers. Category I violators (major violators) are those who are known to have transported over 250 aliens per month or to have earned in excess of \$50,000 per month. Category II (intermediate) violators are those who transport 100-250 aliens per month or earn in excess of \$25,000 per month. Category III violators are low level violators with infrequent independent operations. Non-professional violators involved in relative smuggling or smuggling of household or business employees comprise Category IV. Categories I and II refer to organized conspiracies composed of four or more persons while Categories III and IV may be groups or individuals. Category III and Category IV cases collectively comprise the large caseload volume. Successful cases developed by Anti-Smuggling Units can terminate in the conviction, imprisonment and fine of defendants.

Accomplishments and Workload: Accomplishments of the Anti-Smuggling Operations are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Cases received.....	11,145	10,009	12,000	12,500
Cases completed.....	10,600	9,805	11,000	11,500
Cases presented to U.S. Attorneys.....	9,002	8,179	9,543	9,923
Cases authorized by U.S. Attorneys.....	2,205	3,021	8,127	8,344
Felony convictions.....	1,293	1,135	1,400	1,500
Misdemeanor convictions.....	4,525	3,871	4,600	4,700
Fines assessed (\$000).....	898	479	600	600
Sentences imposed (years).....	1,719	1,836	1,900	1,900
Conveyance seizures.....	191	2,569	3,000	3,200

Although INS first seized vehicles in 1979, 1980 was the first full year of implementation for the conveyance seizure program. During the year, 2,569 conveyances were seized with a total appraised value of over \$11 million. Expansion of this program in future years will have a severe negative impact on smugglers.

In 1980, Anti-Smuggling officers played significant roles in the arrest, indictment and prosecution of a number of alien smugglers. For example, one organization which moved several hundred aliens per month from Juarez, Mexico to Albuquerque, Denver, and Chicago was identified by the Anti-Smuggling Units in El Paso and Albuquerque. To date, 14 smugglers have been indicted and over 65 co-conspirators have been identified in this on-going investigation. In another on-going case, officers apprehended 62 aliens from Guatemala and El Salvador and six smugglers. Each alien had been charged \$800 and the investigation revealed that the ring collected fees totaling \$50,000 to \$100,000 per week. All six smugglers were convicted. As a result of the tragic deaths of 13 Salvadoran aliens in the Arizona desert in 1980, Anti-Smuggling officers -- in what was probably the most widely publicized case in which they have participated -- produced evidence which led to the successful prosecution and conviction of three smugglers.

In 1980, cooperation with Mexico on target cases and exchange of information increased with good results. The Mexican government has instituted assignment of special units at interior roadchecks in Mexico, which has resulted in the apprehension of a number of Central American aliens before they reach our borders. Based on information provided by Anti-Smuggling officers, the Mexican Federal Judicial Police arrested a notorious ring leader of a major organized alien smuggling ring which had smuggled over 20,000 aliens into the United States over a three-year period, earning approximately \$6 million.

1981 Appropriation				1982 Base				1982 Estimate				Increase/Decrease	
Anticipated				Perm.				Perm.				Perm.	
Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY
82	55	\$5,833		82	57	\$6,342		57	57	\$6,342		-25	...

Alien Documentation (ADIT) Program.

Long-Range Goal: The program's long-range goal is to provide quality identification cards to legally entitled aliens for their use in obtaining services; to eliminate the fraudulent use of INS-issued identification documents for entry to the United States; and to provide automation support to INS port of entry and field inspection/enforcement and service functions.

Major Objectives: The achievement of the long-range goal will be met through volume production and issuance of secure, machine-readable identification cards to meet the Service needs and to develop and install the computerized inspection support system.

The Automated Inspection Support System objective will be realized through continued system development and operational testing, evaluation, and expansion of remote computer terminal installations.

Base Program Description: The objective of volume card issuance is presently accomplished by the operation of the central production facility which receives workload input from INS offices nationwide, fabricates and issues identification cards, generates associated computer data and contractor performance monitoring performed by on-site INS personnel. The objective of establishing the Automated Inspection Support System is accomplished through ongoing test and development efforts with the INS ADP branch and through Joint system design agreements with U.S. Customs Service and the U.S. State Department.

The card production objective will be realized through the continued operation of the central card production facility where high volume operations are now in effect. The production operation must function at a base rate of 800,000 cards annually in order to satisfy the Service's minimum recurring documentation needs. The Service, therefore, has little flexibility in revising ADIT Program objectives insofar as minimum card production is concerned.

Accomplishments and Workload: Accomplishments of the ADIT Program are presented in the following table:

Item	1979		1980		Estimates	
	1979		1980		1981	1982
Alien documentation cards issued.....	655,783		655,697		800,000	800,000

Over one and a half million ADIT I-551, Alien Registration Receipt Cards and I-586, Nonresident Alien Border Crossing Cards, have been produced and issued. All resident alien and Mexican Border Crosser card applicants, nationwide, are now being processed for ADIT cards. This includes newly arriving immigrants, adjustments to resident alien status, I-90 (lost, changed,

etc.) replacement of cards and I-190 Border Crosser Cards. Cards are being produced at a rate of 3,200 per day, and the average overall production time is one month. Procedures at consulates, ports of entry and district offices continue to be refined to facilitate production and avoid delays. Actions for upgrading automation of production and establishment of the central data base are continuing to increase volume and reduce throughput time.

We are progressing toward establishment of two types of remote computer terminal support for inspection operations at ports of entry. The first is a key entry/video display terminal providing access to central ADIT and Master Index data, which can be utilized to verify ADIT identification cards and their rightful holders. These type terminals are to be installed at seven major ports of entry during 1981. They will be employed in actual operational environments, with ongoing analysis and evaluation of their operational effectiveness. If justified by this experience, funds for procurement of additional terminals will be requested in future budgets. The second type of terminal is to be an Optical Character Reader (OCR), which will be employed in busy ports of entry primary inspection lanes for automated reading and verification of ADIT cards, nonimmigrant visas issued by the State Department, and, in the future, U.S. Passports. Plans for development, testing and final operational implementation of this capability are presently being jointly pursued by INS, the Visa Office and the Customs Service. Funds for interim operations and prototype system experimentation will be requested in the future. If justified, volume procurements will follow.

Program Changes: A decrease of 25 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

Activity: Interior Enforcement	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Border Patrol Program - Other than												
Border.....	182	170	\$6,517	182	174	\$6,753	182	174	\$6,753	...	...	...
Investigations Program.....	798	742	28,662	798	724	28,663	717	724	28,663	-81	...	...
Total.....	980	912	35,179	980	898	35,416	899	898	35,416	-81	...	...

Resources in this activity are focused upon locating undocumented aliens who are within the United States following successful illegal entry or violation of status of legal entry. Included are aliens located through inspection of farms and ranches, by investigation of information about the location of undocumented aliens, and through investigative casework.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Border Patrol Program - Other than												
Border.....	182	170	\$6,517	182	174	\$6,753	182	174	\$6,753	...	...	...

Long-Range Goal: To protect and defend the rights of all United States citizens and legal entrants through the detection and apprehension of all undocumented aliens currently within the United States.

Major Objectives: Reduce the undocumented alien population currently in the interior of the United States and thus deter other potential illegal entrants from attempting entry.

Base Program Description: A reduction in the illegal alien population will be most effectively accomplished through the following activities:

Farm and ranch checks (approximately 50 percent of all apprehensions).

City patrol (approximately 25 percent of all apprehensions).

Other activities (approximately 25 percent of all apprehensions). These include traffic and transportation checks, crewman control, other agency apprehensions, and coastal patrol.

The Border Patrol is continuing its efforts to perform its mission within the funds currently available and to find more efficient means of accomplishing same. Continued presence of significant numbers of illegal entrants will be met by increases in details from the Immediate Border Program during seasonal peaks in agricultural activity. Employers, therefore, may be discouraged from their dependence on illegal aliens as a labor source.

Accomplishments and Workload: Accomplishments of the Border Patrol Program - Other than Border are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Deportable aliens apprehended.....	102,818	76,278	87,000 ^a	90,000
Smuggled aliens apprehended.....	39,966	28,869	33,000	34,000
Smugglers apprehended.....	362	558	400	400

Since the size of the undocumented alien population in the United States is currently unknown, it is not possible for this program to define its workload input. Workload output is measured in terms of apprehensions.

During 1979, the Border Patrol apprehended 102,818 deportable aliens. Approximately 9,000 of these apprehensions, however, were made as a result of an extended detail of Immediate Border personnel into the Livermore Sector. Apprehensions in 1980 declined by 19 percent after discounting the Livermore detail. This decline was caused by two factors. The development of the 1980 Census resulted in the termination of operations at places of employment and at residences without prior approval from the appropriate United States Attorney. This resulted in reduced farm and ranch check operations - previously, our most productive activity in this program. Apprehensions also declined because of an extended detail of Border Patrol agents to support the Cuban Refugee Program.

We anticipate that the Cuban Refugee Program will have a minimal impact on apprehensions in 1981 and no impact in 1982. For purposes of projecting apprehensions, the Border Patrol assumes that the restrictions on operations resulting from the 1980 Census also will be removed in early 1981. If these assumptions are correct then the productivity of our agents will return to the level achieved in 1979.

The Other than Border Program will continue to support the National Anti-Smuggling Program by the aggressive pursuit and apprehension of smugglers and smuggled aliens within the interior of the United States.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease	
	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount
Investigations Program.....	798	742 \$28,662	798	724 \$28,663	717	724 \$28,663
					-81	...

Long-Range Goal: To locate (illegal) aliens who are gainfully employed in the United States. To maintain a modicum of control on nonimmigrant aliens who enter the United States and violate their status, and through investigative efforts interdict aliens of the criminal, immoral and narcotic classes, and those using fraud to evade the immigration and naturalization laws.

Major Objectives:

To locate illegal aliens through area control activities, with emphasis on those who are presently employed in high paying jobs, thereby releasing those jobs to United States Citizens and permanent resident aliens. To maintain a close working relationship with other government agencies, both law enforcement and regulatory, and other branches of the Service, especially Inspections and Records with regard to nonimmigrant control.

To complete non-dual action cases, resulting in the resolution and possible prosecution of aliens who have gained entry into the United States by visa fraud or other irregularities, or who are members of classes such as criminal, immoral, narcotic or subversive.

To work with other branches of the Service in carrying out the responsibilities of their programs (Examinations with regard to visa irregularities and fraud, and Deportation with regard to expulsion).

Base Program Description: There are two major aspects of the Investigations Program. First, area control is the detection and apprehension of deportable aliens who have illegally entered and obtained employment in the interior of the United States. Investigations are conducted at the sites of industries, construction and service occupations whenever there are articulable facts that undocumented aliens may be employed at such locations. Information and intelligence is collected and maintained on these individuals in order to facilitate the location and apprehension of the illegally employed aliens.

Second, non-dual action casework refers primarily to the investigative activities that are not related to Anti-Smuggling, Area Control or Status Verification. Generally, it includes fraud, criminal, immoral, narcotic, subversive and other investigation cases (citizenship revocation, private bills, and visa irregularities). In addition, the non-dual action casework activity includes searching out and locating deportable aliens who have absconded. Investigations are made of aliens involved in major criminal activities for the purpose of instituting deportation proceedings in addition, violations of criminal statutes under Service jurisdiction are presented to the U.S. Attorneys.

Accomplishments and Workload: Accomplishments of the Investigations Program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Deportable aliens apprehended (Area-Control).....	147,361	105,045	132,000	118,700
Non-dual action cases completed.....	59,851	71,221	55,000	48,900
Deportable aliens apprehended (other investigative efforts)...	18,700	20,590	18,000	16,000

The above table illustrates how unanticipated factors can impact upon the objectives of this program. As a result of the manpower devoted to the Iranian Project, the Cuban Project, and the restrictions placed on Area-Control Search Operations, the number of deportable aliens located decreased in 1980. It is planned that during 1981 the Investigations Program will return to a higher rate of productivity.

In 1980, Service Investigators apprehended 65,939 aliens who were illegally employed at the time of apprehension. These aliens earned in excess of \$46 million during the fiscal year. This represents a potential of over 65,000 jobs, nearly 70 percent paying over the minimum wage, that could be filled by United States Citizens or legal resident aliens. Since some of this income earned is sent out of the country, the balance of payments deficit is directly affected. Thus, continued emphasis on the apprehension of the illegally employed alien has several beneficial side effects.

Program Changes: A decrease of 81 positions is requested for this program. The reduction is the result of maintaining over-all Federal employment through 1982 at the approximate level of current on-board employment.

Activity: Detention and Deportation

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Detention.....	518	\$24,446	518	\$20,394	494	\$22,594	-24	...
Deportation.....	349	17,620	406	345 19,785	363	345 19,785	-43	...
Trial Litigation.....	83	2,829	83	70 2,976	83	70 2,976	...	...
Judicial Review.....	99	3,792	99	109 3,987	99	109 3,987	...	...
Total.....	1,106	1,015 18,687	1,106	1,032 17,142	1,039	1,032 17,142	-67	...

This activity provides the necessary resources for processing and detaining undocumented aliens who have been located, and promptly effecting their removal from the United States.

1981 Appropriation Anticipated

	1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Detention.....	518	\$24,446	518	\$20,394	494	\$22,594

Long-Range Goal: To adequately detain, when necessary, aliens subject to deportation proceedings.

Major Objectives:

To adequately staff the expanded Port Isabel, Texas Service Processing Center and the Chula Vista, California Staging Area;

To adequately staff and operate the Krome detention facility for Haitian entrants near Miami, Florida, and efficiently process all incoming Haitians and any other alien influx arriving in the Miami area. The Krome facility is expected to be in full operation in late 1981; and

To provide humane and secure detention for the large numbers of detainees.

Base Program Description: The Detention Program is carried out to adequately detain, until ready for removal, those aliens subject to deportation proceedings whose freedom at large would clearly represent a present danger to public safety and security and who support a finding that they are likely to abscond.

The Detention, Investigations and Border Patrol activities are interdependent in that (1) Detention is completely reliant upon the other two programs to apprehend the illegal aliens to be detained, and (2) the Investigations and Border Patrol activities must be paced to the availability of detention space. Therefore, any change in the Detention Program would have a like effect on the operations of the Border Patrol and Investigations activities.

The Detention Program must also work closely with the U.S. Marshal's Service, Bureau of Prisons and state, county, city and local government and social agencies, e.g., the Salvation Army in order that non-Service holding space will be available to the Service.

Accomplishments and Workload: Accomplishments of the Detention Program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Mandays of detention.....	865,352	592,903	897,500	870,200
Average number of aliens in detention per day.....	2,371	1,624	2,460	2,380
Aliens detained.....	316,391	243,087	332,400	322,300

Initial admissions to detention facilities in 1980 decreased by 73,304 or 23 percent from the 1979 level. This decrease in admissions to detention in 1980 was due to the impact of the Cuban influx and census moratorium on Service operations. Of the total admissions, 147,730 or 61 percent, were admissions to Service facilities. Initial admissions to detention facilities is expected to rise to approximately 332,400 in 1981.

Mandays of custody decreased from 865,352 in 1979 to 592,903 in 1980. The average mandays per alien in detention dropped from 2.73 percent in 1979 to 2.44 percent in 1980. This drop was due to the more expeditious removal of detained aliens.

In 1980, over 125,000 Cubans arrived in the United States. Of that number, the Service identified over 1,600 who are convicted felons and are presently being detained for INS at Federal and State facilities.

The renovated Krome detention facility in Miami, Florida is expected to be in full operation by late 1981 to efficiently process the incoming Haitians.

Program Changes: A total of \$2,200,000 is requested to operate the newly renovated Krome North Site facility in Florida. From April 23, 1980 through November 1980, over 10,000 Haitians arrived. With the expectation that the rate of approximately 1,500 Haitians per month will continue indefinitely, the need to maintain a suitable permanent turnaround facility to house up to 750 aliens in the Miami area requires a \$5,000,000 major renovation effort which is being performed by the Army Corps of Engineers in 1981. INS is expected to take total fiscal and operational control of the facility no later than June 1, 1981. Without these requested funds INS will not be able to operate this facility.

The funds requested cover the day to day costs of operating the facility, including food, supplies, cleaning and maintenance and other necessities for the aliens.

In addition to the increase for the operation of the Krome site, a decrease of 24 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Deportation.....	406	349 \$17,620	406	345 \$19,785	363	345 \$19,785	-43	...

Long-Range Goal: To maintain and further develop a system of control which ensures that every case involving a deportable alien is processed as expeditiously as the law permits and, when appropriate, the alien's removal from the United States is effected.

Major Objectives:

To improve efficiency through the automation of its Deportation Docket Control System;

To maintain a viable removal capability with a reduced work force and rising deportation travel costs;

To expel approximately 1,062,800 aliens in support of the apprehension activities.

Base Program Description: The Deportation Program maintains a system of controls which ensures that every case involving a deportable alien is expeditiously processed and, if necessary, the alien's removal from the United States is effected promptly.

The responsibility for enforcement of the Immigration and Nationality laws through the performance of deportation proceedings involves: (1) Supervision of aliens while under bond, released on their own recognizance, or in detention; (2) Maintaining liaison with foreign governments to obtain travel documents and effect deportations.

An alternative to the formal deportation process is the removal of aliens through voluntary departure. The Immigration and Naturalization Service has been successful in having a large number of undocumented aliens expelled through this simpler and more expeditious process. However, many undocumented aliens still demand formal deportation hearings, which can substantially delay departure and increase costs. The use of voluntary procedures, however, does not reduce the need for alien travel funds. In 1980, approximately 80 percent of all alien travel costs was paid by the Service, regardless of whether the aliens were expelled under a formal order of deportation or voluntarily departed while in custody.

Major Objectives: To reduce the current backlog of cases which cannot be tried expeditiously with the present number of trial attorneys and to provide prompt and professional representation for the Government at all hearings, and further, to provide legal counsel to all officers of the Service who are operating in the field.

Base Program Description: Trial attorneys select which cases take precedence over others. Those in the top priority are detained cases and those cases having a national interest such as the Iranian students and Cuban program and those cases which have difficult issues of law and which have a potential for legal impact on Service policy.

Accomplishments and Workload: Accomplishments of the Trial Litigation Program are presented in the following table:

Item	Estimates			
	1979	1980	1981	1982
Trial attorney appearance:				
Issue of deportability.....	38,998	41,409	39,400	39,600
Issue of administrative relief.....	13,176	10,049	13,100	13,100
Issue of excludability.....	3,590	4,082	3,600	3,600
Other appearances.....	5,228	5,245	5,800	6,000

All detained cases were handled expeditiously. Bond redetermination cases were given priority which permitted aliens to receive a quick review of the amount of bond to be posted. A shortened stay in custody reduces the expenditure of funds involved for the detainee's support and gives the alien his freedom. An increase in the number of appearances is attributable to improved calendaring and an increase in the number of multiple hearings which were utilized whenever feasible. In the last quarter of 1980 and the first quarter of 1981, trial attorneys were able to appear at over 1,000 exclusion cases of those Cubans being held in correctional facilities by travelling to and from their details on Saturdays and Sundays.

	1981 Appropriation				1982 Base				1982 Estimate				Increase/Decrease	
	Anticipated		Perm.		Perm.		Perm.		Perm.		Perm.		Perm.	
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT
Judicial Review.....	99	93	\$3,792	99	109	\$3,987	99	109	\$3,987	99	109	\$3,987	...	...

Long-Range Goal: Schedule, conduct and enter decisions in bond redetermination, deportation and exclusion hearings with a minimum of delay after initiation of proceedings.

Major Objectives:

Schedule and complete hearings and enter decisions within two days of request for bond redetermination, one month after arrival in exclusion cases, and three months after initiation of proceedings in deportation cases.

Transcribe hearings and complete required preparation of records in appealed cases within two months after notice of appeal has been filed.

Base Program Description:

Exclusion hearings are held when aliens are believed by the examining inspector at the port of entry to be inadmissible to the United States. Exclusion hearings should be held on the day of the alien's arrival in the United States if the alien is in detention. For non-detained aliens such hearings should be held within one week of arrival at the alien's destination in the United States. The Immigration Judge's order may admit or exclude the alien, or permit him to withdraw his application for admission.

Deportation hearings are held in cases where deportation proceedings have been instituted. Such hearings should be scheduled within one month after deportation proceedings have been instituted. Delays in effecting the departure of aliens illegally in the United States breed contempt for the immigration laws and for law enforcement in general. Permitting such aliens to remain in this country for long periods is also unfair to the great majority of aliens who obtain all necessary documentation before entering the United States, work here only with official permission, and depart when their authorized period of admission has expired. The Immigration Judge may order the alien deported; may grant relief from deportation such as voluntary departure, suspension of deportation, registry, adjustment of status, political asylum, or waiver of deportability; or, if he decides that the Government has not established deportability, terminate the proceedings.

Bond determination hearings are held when an alien in custody seeks release on his own recognizance, or a reduction in the amount of the bond.

Accomplishments and Workload: Accomplishments of the Judicial Review Program are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Deportation hearings completed.....	55,910	55,695	55,700 55,700
Exclusion hearings completed.....	2,846	3,100	3,100 3,100
Bond redetermination cases completed.....	6,424	4,532	7,900 8,000

Activity: Intelligence	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
	Pos.			Pos.			Pos.			Pos.		
Intelligence.....	47	30	\$1,530	47	25	\$1,461	25	25	\$1,461	-22	...	...
Long-Range Goal: To provide predictive tactical and strategic analytical intelligence to support INS planning and operations in 59 districts and sectors. This goal includes support to the Service's Border Enforcement, Anti-Smuggling, Interior Enforcement, and anti-fraud activities.												
Major Objectives:												
To make the Intelligence Program more responsive to the needs of operational users.												
To improve the quality, quantity, and timeliness of intelligence collection and reporting.												
To utilize in-depth analysis to identify major fraudulent document trafficking organizations, alien smuggling organizations, and arrangers of fraudulent schemes, and to develop detailed intelligence on the operations of such organizations and individuals.												
To continue the development of a scientific capability for the forensic analysis of fraudulent documents.												
To produce strategic intelligence studies on alien smuggling, illegal entry, fraudulent documents, and immigration fraud.												
To produce new or updated working aids and reference materials to assist Service officers in the field to detect fraudulent travel and identity documents.												
To provide expert witnesses to assist in the prosecution of major alien smuggling and fraudulent document cases.												
To promote Service use of and limited participation in the El Paso Intelligence Center (EPIC) and to provide intelligence support to other participating agencies to inhibit the activities of traffickers in aliens, narcotics, and weapons.												
To make greater use of automation in the intelligence process.												
To carry out a Servicewide intelligence training program in order to improve the overall intelligence capabilities of existing personnel.												

To provide intelligence to assist INS in countering increasing criminal activities and to assist in devising enforcement actions which will impact economically on professional smugglers and fraudulent document operators.

To help improve the Service's ability to assure the safety of both INS officers and aliens by obtaining knowledge in advance of border demonstrations and other violence.

Base Program Description: The Central Office Intelligence Staff provides program planning, coordination, and direction to Service intelligence activities, and serves as the channel of intelligence with and support to other agencies at the Washington level. Requirements of the operational users are identified and collection, reporting, and production efforts are re-oriented accordingly. Production requirements are coordinated and referred to EPIC when appropriate. Coordination and liaison are required with the FBI, CIA, Customs Service, U.S. Coast Guard, FAA, DEA, ATF, Secret Service, Royal Canadian Mounted Police (RCMP), Department of Defense, and other agencies. Intelligence is exchanged and support is provided to other government agencies in sensitive cases involving the entry, departure, adjustment of status, or naturalization of aliens. Production of strategic intelligence studies is carried out on a limited basis by the Central Office Intelligence Staff.

A nucleus of an INS Fraudulent Document Laboratory, which was operational on a limited basis in 1980, provides scientific examination and analysis of fraudulent travel documents, INS documents, and other supporting documents. Laboratory analysis, coupled with intensified intelligence analysis, is expected to assist in identifying counterfeiters, smugglers and arrangers.

EPIC maintains INS data bases on alien smuggling, false claims to U.S. citizenship, and reports the arrival of private aircraft from foreign locations (AIR Detail).

Efforts are continuing in cooperation with the Drug Enforcement Administration (DEA) to automate the alien smuggling index.

Field Intelligence Officers presently assigned as Regional Intelligence Officers provide technical guidance and coordinate the Intelligence Program within their respective regions. These officers maintain local data bases, prepare regional intelligence reports, coordinate the dissemination of intelligence, and conduct on-the-job intelligence training in the field.

Accomplishments and Workload: Accomplishments of the Intelligence Program are presented in the following table:

Item	Estimates	
	1981	1982
Scientific examination and analysis of fraudulent documents conducted.....	6,000	8,000
New INS data inputs processed at EPIC.....	219,000	219,000
Queries of INS data bases at EPIC.....	43,600	20,000
Positive INS responses provided to queries received by EPIC..	12,800	6,000

Timely intelligence support continued to be provided to a wide range of INS offices and programs. The capability to provide Forensic Document Laboratory services was enhanced by the entry on duty of a second document analyst and the receipt of a portion of the first increment of basic laboratory equipment. A fraud-resistant Ball-Contreras letter (Form I-640) was designed and produced in cooperation with the Bureau of Engraving and Printing to discourage counterfeiting, alteration or use by imposters. Reference files of travel documents, supporting documents, seal impressions and signatures from all INS district offices and suboffices, and samples of nonimmigrant visas (worldwide) were commenced. Studies underway include the following: fraudulent passports, counterfeit nonimmigrant visa counterfoils, counterfeit visas, and chemical analysis of visa ribbon inks and INS security ink to establish reference standards.

During 1980, three four-day Basic Intelligence Training Courses and a three-day Intelligence Collection Training Seminar were conducted for INS officers in the field. Strategic intelligence assessments are being prepared on Latin American countries having a high potential for the flow of large numbers of refugees and illegal entrants into the United States. Initial arrangements were made with CIA, FBI, State, and DEA for the processing of name checks on Cuban refugees. Overall efforts for the exchange of intelligence with other agencies were intensified and timely support was provided to the CIA and FBI on sensitive cases. Informal, working level meetings are being held for U.S. consular officers enroute to new duty posts overseas as part of a cooperative effort with the Department of State to identify arrangers and counterfeiters overseas. An intelligence study on Texas birth certificates was completed and distributed Servicewide to help combat false claims to U.S. citizenship. A cooperative effort with the U.S. Customs Service continued for the entry into the Treasury Enforcement Communication System (TECS) of data on lost, stolen or unaccounted for INS security documents for rapid dissemination to ports of entry.

Program Changes: A decrease of 22 positions is requested for this program. The reduction is the result of maintaining Federal employment through 1982 at the approximate level of current on-board employment.

Activity: Service to the Public	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Adjudications Operations.....	910	919	\$26,559	910	938	\$27,125	870	938	\$27,125	-40	...	...
Naturalization Operations.....	452	375	12,004	452	378	12,656	419	378	12,656	-33	...	...
Status Verification.....	253	271	9,869	253	239	9,748	231	239	9,748	-22	...	...
Information Services.....	320	314	7,518	320	319	7,794	320	319	7,794	...	...	...
Overseas.....	123	85	5,907	123	120	6,328	113	120	6,328	-10	...	...
Total.....	2,058	1,964	61,857	2,058	1,994	63,651	1,953	1,994	63,651	-105	...	...

This activity administers the dispensation of benefits statutorily mandated by the Immigration and Nationality Act. The activity emphasizes providing service to the public.

Activity: Service to the Public	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Adjudications Operations.....	910	919	\$26,559	910	938	\$27,125	870	938	\$27,125	-40	...	...

Long-Range Goal: Carry out a national policy which provides for selective immigration and for controlled entry and stay of nonimmigrant aliens in order to promote and protect the public health and safety, economic welfare, national security and humanitarian interests of this country. Specifically, this policy provides for the reunification of families, the entry of immigrants possessing needed skills, and the temporary admission of certain classes of aliens.

Reduce the volume of pending cases, ensure that decisions rendered are legally accurate, reduce the incidence of fraudulent applications and petitions for benefits under the law, reduce adjudication time to within acceptable limits, and to replace the outstanding I-151 version of the Alien Registration Cards with ADIT cards.

Major Objectives:

To reduce the projected 1982 volume of pending cases to within an acceptable range of 150,000 to 200,000 cases.

To replace 140,000 I-151 Alien Registration Receipt Cards with ADIT cards.

Base Program Description: Adjudications is using several different methods to reduce excess workloads and adjudication time. First, we have merged the processing of the major visa petitions and their corresponding adjustment of status applications and have established a maximum 60-day cycle for completing action on these cases.

Second, we have initiated efforts to adjudicate work as soon as it is received at the front counters in our field offices.

Third, we are continuing to utilize Immigration Inspector standby time at ports of entry to adjudicate applications and petitions which do not require interviews. In 1980, Inspections' contribution to Adjudications productivity amounted to 815,166 completions, or 47 percent of 1,733,000 total completions for that year.

Finally, we conduct interviews in order to detect fraudulent applications and petitions in those cases where circumstances appear to present the greatest possibility of fraud. In 1980, some 45,000 interviews took place. This amounted to 29 percent of all cases filed in the largest fraud categories.

Accomplishments and Workload: Accomplishments of the Adjudications Program are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Workload Inputs:			
Adjudications received.....	1,912,311	1,831,053	1,950,000 1,850,000
End of year pending.....	251,756	246,395	361,000 376,000
Workload Outputs:			
Adjudications completed within the program.....	1,772,960	1,733,000	1,835,000 1,835,000
Adjudications completed using Immigration Inspector standby time at ports of entry.....	800,072	815,166	850,000 800,000
Performance Measures:			
Percentage of receipts completed.....	93%	95%	94% 99%
Pending caseload increase or decrease.....	17,601	-5,361	+115,000 +15,000

Management improvements in Adjudications in 1979 and 1980 included nationwide implementation of one-step processing, development of procedures and initial implementation in several offices of walk-in adjudication of certain applications and petitions, and continuation of our program to simplify and shorten application and petition forms. We are also clarifying our regulations to make them more understandable to the public. The volume of refugees coming to the United States in 1980 who will be eligible for adjustment of status to that of lawful permanent resident in 1982 has increased. There has been a 31

percent increase in receipts of all applications for benefits from 1977 to 1980 (from 1,399,300 to 1,831,053). We have been able to almost "hold our own", however, in spite of these substantial increases by reducing our processing time on a per case basis.

Program Changes: A decrease of 40 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Naturalization Operations.....	452	375	\$12,004	452	378	\$12,656	419	378	\$12,656	-33	...

Long-Range Goal: To reduce the time an applicant must wait to be naturalized or to have his United States citizenship documented. Waiting periods over and above those statutorily mandated amount to an effective denial of rights and prevent the applicants from making their full potential contribution to this country.

Major Objectives:

Give reasonably prompt responses to those who seek the benefits of the naturalization laws.

Give legally correct responses to those who seek the benefits provided by Congress.

Notify applicants of arrangements for their preliminary hearings within two months of receipt of their applications.

Maintain an average of no more than three month's receipts of applications which have yet to be filed in a naturalization court as petitions.

Restore to the naturalization process the dignity heretofore lost in efforts to cope with increasing workloads.

Base Program Description: Applications received are first screened for the applicant's initial eligibility. Preliminary hearings are then held in which their eligibility is fully evaluated, at which point the applicant files his petition with the naturalization court and the government makes its recommendation to the court. The court renders the final decision and if it is favorable admits the petitioner to citizenship. Those seeking documentary proof of citizenship must testify to those facts which give rise to the citizenship claim and support the claim with appropriate evidence. An administrative decision is rendered which is based on the claim presented and the law in effect at the time the claim arose. Adverse decisions are ultimately appealable to the courts.

Accomplishments and Workload: Accruals of the Naturalization Program are presented in the following table:

Item	Estimates		
	1979	1980	1982
N-400 received.....	249,990	278,169	286,000
N-600 received.....	33,858	38,315	40,000
N-400 completed.....	232,826	264,000	250,333
N-600 completed.....	34,763	36,487	35,000
Persons naturalized.....	168,278	177,474	180,000
Certificates issued.....	24,356	23,629	26,000
N-400 pending end of fiscal year.....	97,882	112,824	138,824
N-600 pending end of fiscal year.....	27,651	29,479	39,379

Receipts of Applications for Naturalization (N-400), have been increasing at a rate of 10 to 15 percent per year, while our resources have remained approximately the same. Nevertheless, our completions jumped 12 percent in 1980 over the 1979 figure. This was accomplished through procedural efficiencies which could be implemented administratively within the context of the present statute. Despite these gains our pending applications figure at the end of the final year for N-400 increased by over 15,000 to 112,824 in 1980 - roughly five months' completions at our present rate of production. We are now at the outer limits of our productivity, absent statutory revision or resource increases. Over the next two years, receipts will continue to increase, due largely to the refugee influxes of the past few years. At the present rate of production our pending applications will represent over eight months' work by the end of 1982, causing significant delays for applicants.

While the figures are smaller, the picture is much the same for applications for certificates of citizenship (N-600). Modest increases in productivity through procedural efficiencies will fail to fully keep pace with receipts of applications. The present pending figure representing nine and one-half months' work will increase to a pending caseload of over one year by the end of 1982.

Program Changes: A decrease of 33 positions is requested for this program. These positions have not been funded and thus there is no workyear reduction applicable.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount
Status Verification.....	253	271	\$9,869	253	239	\$9,748	231	239	\$9,748	-22	...

Long-Range Goal: To reduce the number of pending cases referred for field investigations and to assist in prompt and equitable decisions on applications and petitions for immigration benefits.

Major Objectives: To promptly and effectively provide information otherwise unavailable to permit final action on applications and petitions. The program objectives are in support of the Adjudications and Naturalization Programs and include support of American consular officers in processing immigrant visa applications to preserve the integrity of the application and petition process and provide an effective deterrent to abuses of the process.

Base Program Description: Outside investigations are conducted on cases which have been referred to investigations by other branches of the Service and the Department of State. Implementation is by controlled case assignments with established supervisory call-ups to ensure prompt action and supervisory review for effectiveness and completeness of the investigation. Applications and petitions for immigration and naturalization benefits pending before this Service often have issues that cannot be resolved by the adjudicator through file review or interviews.

Through these investigations, marriage frauds, document frauds or falsely obtained labor certifications may be exposed. Coordination between the Adjudications, Naturalization and Investigations Divisions will continue and cases will be referred for field investigation only after the adjudicator's supervisor agrees the referral is appropriate. The State Department is contacted especially where there is a high probability of fraud involved. Issues resulting from these interviews would lead to investigations in the field.

Accomplishments and Workload: The Status Verification Investigators closed 16,828 cases in 1979 and 12,251 cases in 1980. It is anticipated that 15,000 will be completed in 1981 with a decrease in completions to 12,000 in 1982. The pending caseload will rise from 9,585 at the beginning of 1980 to over 14,000 by the end of 1982 making it more difficult for the Adjudications and Naturalization Programs to properly process immigrant visa applications.

Program Changes: A decrease of 22 positions is requested for this program. The reduction is the result of maintaining overall Federal employment through 1982 at the approximate level of current on-board employment.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Information Services.....	320	314	\$7,518	320	319	\$7,794	320	319	\$7,794	...	...

Long-Range Goal: Respond quickly and effectively to inquiries from the general public, including aliens, government officials and members of Congress on the provisions of the Immigration and Nationality Act and related laws, and on regulations, procedures and statutes concerning applications and petitions for benefits under the Immigration and Nationality Act.

Major Objectives:

To respond to 90 percent of all telephone inquiries received from the public within 4 minutes service time.

To respond to 100 percent of all in-person inquiries received from the public within 15 minutes service time.

To respond to 100 percent of all written inquiries received from the public within 5 days service time.

To improve service to the public by providing better information, reducing response times and improving public service area facilities.

Service times are defined as: (1) for telephone inquiries--the total time that a caller is on a line waiting to be serviced and being serviced; (2) for in-person inquiries--the total time a person is in the waiting room having his questions answered; and (3) for correspondence inquiries--the total time from receipt of the correspondence to the answer being dispatched.

Base Program Description: Inquiries are received by telephone, in-person and in writing. These inquiries are handled by contact representatives (CRs) who are supported by manual systems. In order to improve response time to the public's inquiries and still provide quality, personal service, efforts are being directed toward increasing the number of CR's. Plans are taking shape for automating many of the CRs support systems. Such items, as word processing equipment and automatic telephone sequencing equipment with recorded messages, are being placed in operation at various information service centers. In addition, actions are being initiated to continue improvements in the public service areas by providing waiting room space and better, sturdier furniture. Waiting lines at in-person information counters will decrease as more offices adopt longer operating hours.

This decision unit interfaces with many of the other service to public decisions units, particularly the Records Program.

Accomplishments and Workload: Accomplishments of the Information Services Program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Inquiries and callers at information counters.....	9,913,787	9,132,651	9,500,000	9,800,000

In 1979, the Information Services Program moved ahead in the area of automatic call distributors with telephone answering devices. There were eight new or upgraded replacement systems installed at field offices during 1979 and seven new or upgraded replacement systems installed during 1980. These systems have aided in reducing the caller's waiting time. Tape libraries have been installed at two field office locations - Los Angeles and Miami. Both are operating on a test basis until sufficient data have been collected to confirm their effectiveness. Reports thus far indicate the tape systems are very favorably received. Expansion of the tape system to San Antonio is expected to occur in 1981.

During 1980, the Alien File Tracking System began to be expanded beyond the Houston Model Office. This is a system which permits locating alien files, via automation means, whenever the file desired is in the Files Control Office. The system is operating at four field offices - Boston, Newart, Washington and Houston. This system will improve the response time for locating alien files and for providing requested information to the public when the system is fully operational. Also, the Alien Applications and Petitions Tracking System is being implemented in the same four Service field offices. This system, too, will provide improvement in alien information services and in response-time servicing.

Two contact representative training courses were held in 1979 and one in 1980. About 80 percent of the contact representatives have received training. In order to maintain an adequately trained staff of contact representatives it will be necessary to hold two training courses a year.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Overseas.....	123	85 \$5,907	123	120 \$6,328	113	120 \$6,328	-10	...

Long-Range Goal: Provide efficient and judicious processing of refugee applications worldwide, to enhance the adjudications goals of reducing backlogs in the United States, and perform case studies overseas.

Major Objectives:

Process 203,830 refugees.

Adjudicate 65,000 applications and petitions.

Perform 6,500 case studies.

Base Program Description: The Service currently maintains and staffs overseas offices in Europe, Mexico and Asia. Program personnel process refugee applicants seeking admission to the United States in numbers authorized by Congress and the President. Within the bounds of practicability, all applications and petitions received from applicants physically within the jurisdiction of an overseas office are processed at that location. Also, proper investigative inquiries concerning immigration matters within a jurisdiction are conducted as case studies at that location.

Accomplishments and Workload: Accomplishments of the Overseas Program are presented in the following table:

Item	Estimates		
	1979	1980	1981 1982
Refugees processed.....	125,000	233,260	236,000 203,830
Refugee numbers approved for entry to the United States.....	108,875	231,700	217,000 187,000
Adjudications completed.....	51,756	51,421	63,000 65,000
Case studies completed.....	5,600	4,587	5,200 6,500

Today there are few international issues more important than refugees. While only 35,159 were authorized to enter the United States in 1978, the number grew to 231,700 in 1980. The overseas offices are responsible for processing all applicants for refugee status which includes determining who is a refugee and their eligibility for admission to the United States under the IM Act.

In addition to refugee processing, the bulk of the work of overseas offices is the adjudication of applications and petitions for benefits under the IM Act and case studies. The majority of adjudications are visa petitions, filed by United States citizens and lawful permanent residents of the United States and applications for waivers of grounds of excludability. In 1980, the overseas offices completed 51,421 such cases.

Case studies are requested by stateside INS officers to verify occupations and work experience claimed by aliens seeking benefits under the IM Act. Some 4,587 case studies were completed by overseas offices in 1980. A substantial number of these case studies verify fraud, and this results in a solid denial of the benefits sought and provides grounds for deportability.

Program Change: A decrease of 10 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

Activity: Support Operations	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Training.....	49	50	\$5,520	49	50	\$5,639	49	50	\$4,639	...	...
Research and Development.....	1	2	455	1	2	456	1	2	456	...	...
Construction and Engineering.....	7	10	3,237	7	10	1,572	7	10	2,645	...	...
Data Systems.....	127	71	9,543	127	102	10,631	127	102	12,434	...	...
Communications Systems.....	10	16	3,533	10	20	3,668	9	20	3,566	...	...
Records.....	958	810	17,069	958	972	17,729	940	972	17,729	-18	...
Statistics.....	49	37	980	49	35	981	42	35	981	-7	...
Total.....	1,201	996	40,337	1,201	1,191	40,876	1,175	1,191	42,440	-26	...

This activity provides for construction, most communications and automation necessary to carry out Service operations. The Immigration and Naturalization Records Program, maintenance of immigration statistics and a comprehensive training program for new and replacement personnel are also major programs in this activity.

Activity: Support Operations	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Training.....	49	50	\$5,520	49	50	\$5,639	49	50	\$4,639	...	...

Long-Range Goal: Develop and implement quality training programs for all Service employees to assist in career development, improve service to the public and effectively carryout the mission of the Service.

Major Objectives:

Implement meaningful developmental experiences for all senior executive service incumbents and candidates.

Provide at least 40 hours of basic supervisory and management skill training for one half of the new employees in these positions during their one-year probation.

Provide for and administer training opportunities for 4,600 administrative and support personnel throughout the Service.

Upgrade and validate all in-service training curricula through the job/task analysis process for the seven major occupational categories.

Provide appropriate orientation and training for INS officers assigned overseas as well as for officers of foreign governments seeking such training.

Upgrade and implement advanced technical training for one third of all officers at the Journeyman level.

Base Program Description: Training Programs are provided for the following:

Basic and Journeyman officers (e.g., border patrol agents, immigration officers, criminal investigators, deportation officers, detention officers, anti-smuggling officers, immigration examiners, naturalization examiners and intelligence officers) are trained through courses conducted at the INS Officer Development Training Facility (ODTF) located at the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia.

Supervisory officers are trained through courses conducted at ODTF and other locations.

Contact representatives, EEO investigators and specialists, immigration judges, office of professional responsibility investigators, and public information officers are trained in courses given at various intervals at various locations.

Courses in language, mathematics and clerical skills are conducted as the need arises.

Employees assigned to foreign duty posts are trained before assignment.

Executive/management and upward mobility training programs are offered in conjunction with Department of Justice programs.

Specialized training, such as in the merit staffing plan, is provided as needed.

Validation studies are provided for some of the training activities sponsored.

Regional and central office program managers are given funds to provide for their specialized administrative, clerical, technical and supervisory training needs through interagency and external training courses.

Accomplishments and Workload: Accomplishments of the Training Program are presented in the following table:

Item	1979		1980		1981		1982	
	Perm.	NY	Perm.	NY	Perm.	NY	Perm.	NY
FLETC training								
Immigration officer basic training.....	428		152		227		240	
Immigration detention officer basic training.....	96		24		96		96	
Border patrol basic training.....	845		190		354		336	
Advanced officer training.....	552		450		632		552	
Executive development training.....	5		5		5		5	
Manager development training.....	35		35		35		43	
Basic and advanced supervisor development.....	100		100		150		100	
Extension training programs.....	3,500		11,319		11,400		11,000	
Other in-service training.....	...		200		550		200	
External training in central office and regions.....	1,000		4,373		7,174		4,600	
Foreign officer training.....	12		99		58		65	

Program Changes: A decrease of \$1,000,000 is requested for this program. This reduction is in travel costs associated with the training efforts. The overall impact on this program will be reduced through more effective management of the remaining funds available.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease					
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount				
Research and Development.....	1	2	\$455	1	2	\$456	1	2	\$456

Long-Range Goal: Help solve major problems in enforcement and in service to the public through technical investigations, developments, and evaluations. This unit will focus on developing new and adapting existing technology for efficient detection and apprehension of border intruders and developing innovative approaches to a wide variety of INS public service problems.

Major Objectives:

Reduce costs of intrusion detection/apprehension and improve Linewatch system performance.

Provide technical support to INS plans for developing and acquiring ADP capability.

Coordinate R&D efforts with agencies having common interests.

Develop and demonstrate improved information exchange, search, and retrieval techniques and methods in which automation may be adapted to individual or special needs.

Provide timely responses to requests for technical support from operational and administrative offices of INS.

Base Program Description: The current staff defines problems, develops concepts of technical solutions, designs and implements tests and evaluations of research/developmental systems and techniques, directs contractors, initiates and maintains interagency technical programs, and provides technical consulting to Central Office and operating groups.

The goals of an ambitious program are being pursued through contract, interagency agreement, and information interchange activities. These activities cover the areas of sensors, signal processing, radar, infrared, communications, data processing, video techniques, pattern recognition, simulation, test and evaluation, airborne platforms and analysis.

Accomplishments and Workload:

A new concept for automatically inspecting cars, trucks, ships, aircraft, railroad cars and buildings for concealed persons has been developed. A laboratory model has been built demonstrating the feasibility of the concept for passenger vehicles. In 1980, proof was given of technical feasibility for detecting persons concealed in large-mass enclosures (over 6,000 lbs) such as tractor-trailers, trains, and aircraft.

A Joint Customs/INS Research and Development Program has developed a system concept for automatically identifying license plates of moving vehicles. This concept may be applied to unmanned ports of entry and in conjunction with a pattern recognition study could provide the capability at both manned and unmanned ports of entry for automatically entering license plate data into a system such as TEGS to identify the vehicle owners.

The potential value of satellites as communication relays in support of enforcement operations was determined experimentally in a joint program with the Drug Enforcement Administration. Applications of these results are being applied experimentally to enforcement and public service problems.

A Joint State Department/INS border control study was completed in 1980 using the analytical tool LINESIM developed in R&D, to evaluate alternative linewatch systems for the El Paso Border Patrol Sector and to develop a security system handbook.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease	
	Form. Pos.	NY Amount	Form. Pos.	NY Amount	Form. Pos.	NY Amount
Construction and Engineering.....	7	\$3,237	7	\$1,572	7	\$2,645
						\$1,073

Long-Range Goal: Provide adequate facilities for all INS operating elements so that they may fulfill their requirements to administer the Immigration and Nationality Act and provide maximum service to the public.

Major Objectives:

Construct, alter and maintain adequate and attractive facilities as required by the operating elements for effective performance.

Develop and maintain a Facilities Information Control System to meet external and internal facilities management information requirements.

Maximize savings through energy-conserving structures.

Provide facilities for easy access by the physically handicapped.

Maintain the latest technology and code requirements such as OSHA health and safety requirements in the Service's facilities.

Base Program Description: Construction and Engineering performs the administrative functions related to the space and facilities management of the Service, provides design and construction capability for alteration of existing facilities and new facilities; and plans and implements the energy conservation and facilities for the handicapped programs.

Work is performed in the Central Office with input from the field offices and the use of consultants for design and construction to enable the decision unit to handle more requests. Multi-year funding is required for new construction. The first year funding is for land procurement and design by an architect/engineer. The second year funding is for construction of the facility.

Space is acquired through the General Services Administration, by INS lease, by INS construction, by joint INS/Customs construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with Customs, Public Health Service, Department of Agriculture, General Services Administration, state, county, local, airport and foreign authorities. Office space requirements are coordinated with GSA.

Accomplishments:1979

Planned and implemented relocation of district offices in conjunction with GSA.

Arranged for contract architect/engineering services for the design of a new border patrol station and upgrading of the Service Staging Center at Chula Vista, California.

Coordination and planning commenced with GSA in 1975 for the relocation of the New York District Office and Service Processing Center to 201 Varick Street. Planning, design, and construction have been proceeding. Public hearings for the Environmental Impact Statement dealing with the facilities were conducted by GSA on June 3 and 23, 1980. INS representatives participated in the preparation of the Environmental Impact Statement and the hearings. There is neighborhood objection to the GSA plan to relocate INS to the Varick Street building; however, GSA has established a tentative occupancy date for INS of December 1982.

Implemented programs for energy conservation which included energy audits of INS owned buildings, driver training of Border Patrol Officers, an awareness program for all employees, etc., and facility modification for the physically handicapped in selected offices.

Initiated prototype office concept (Quality of Working Life) and upgraded INS facilities.

Planned with airport authorities for installing new and expanded inspection facilities at international airports with emphasis on "one-stop" inspection concept.

Awarded contract documents for the erection of a border barrier at Nogales and San Luis, Arizona.

Monitored progress of construction of border barrier at El Paso, Texas and San Ysidro, California.

Arranged for design and construction services for base utilities at Port Isabel, Texas.

1980

Continued planning and implementation of relocating district offices in conjunction with GSA. Offices involved in the planning effort this fiscal year were: Seattle, Washington; Denver, Colorado; Houston, Texas; Harlingen, Texas; El Paso, Texas; and San Diego, California. District offices at Miami, Florida and Washington, D.C. were relocated during this period.

Monitored construction projects underway for compliance with drawings and specifications:

- a. Border barriers at Nogales and San Luis, Arizona, El Paso, Texas and San Ysidro, California.
- b. Service Processing Center at Port Isabel, Texas.

Coordinated design of a Border Patrol Station and upgrading of Service Staging Center at Chula Vista, California.

Coordinated design for upgrading utility systems at Port Isabel, Texas.

Completed and occupied new Border Patrol Station at Yuma, Arizona.

Continued implementation of programs for energy conservation and facilities for the physically handicapped programs.

Continued implementation of prototype office concept (Quality of Working Life) and upgrading of IHS facilities.

Continued planning with airport authorities for installing new and expanded inspection facilities at international airport with emphasis on "one-stop" inspection concept.

1981 projected accomplishments:

Continue planning and implementation of relocation of district offices in conjunction with GSA.

Continue monitoring construction projects underway for compliance with drawings and specifications:

- a. Border Patrol Station and upgrading of Service Staging Center at Chula Vista, California.
- b. Service Processing Center and base utilities at Port Isabel, Texas.

Continue implementation of programs for energy conservation and physically handicapped programs.

Continue implementation of the prototype office concept (Quality of Work Life) and the upgrading of IHS facilities.

Continue planning with airport authorities for installing new and expanded inspection facilities at international airports with emphasis on the "one-stop" inspection concept.

Activation of the automated Facilities Information Control System.

Program Changes: The increase of \$1,073,000 is urgently needed to make numerous critical repairs and alterations to, and upgrade facilities acquired over a fifty year period at an initial acquisition cost of some twenty million dollars. Current replacement costs of these same facilities could well exceed one hundred million dollars.

It is projected that \$200,000 will be used to upgrade the mechanical and electrical system in the Honolulu District Office and \$150,000 for replacement of windows at the San Pedro Regional Office. Also, Section 504 (b)(7) of the Rehabilitation Act of 1973 (29 USC 792 (b)(7)) as amended, requires that INS over a 10-year period ensures that certain buildings and facilities are so altered as to be readily accessible to and usable by the physically handicapped. It is intended that initially 20 buildings or 10 percent of the total INS facilities will be altered at approximately \$25,000 each, for a total of \$500,000.

Over the years, much of the needed maintenance has not been performed due to the lack of adequate funds in this program. The lack of periodic maintenance has caused many of the facilities to become health and safety hazards for the INS work force and the public clientele who must visit them.

The balance of funds will be used to set up a meaningful preventive maintenance program. If serious maintenance efforts are not undertaken immediately the Government will be faced with major replacement costs for those facilities for which the Service is holding agency. It is imperative that adequate funds be available to prevent further deterioration of many of the structures.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease perm.	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
DATA SYSTEMS	127	71	9,543	127	102	10,631	127	102
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Long-Range Goal: Automate operational and administrative functions of INS and build a coordinated, comprehensive automated information system capability where benefits achieved will increase the efficiency of the functional elements of INS.

Major Objectives:

Maintain and operate the current systems, particularly the Master Index System (MIS), Nonimmigrant Document Control System (NIDC), and the Service Lookout Book.

Bring the Justice Data Management Service Funding up to current projections.

Continue with the development phase of the new Nonimmigrant Alternative Control System through the OMB Circular A-109 process.

To refine and bring current the existing NIDC system to provide more complete, accurate, and timely data.

Continue the development and support for the Application and Petition Tracking System (APIS), Alien File Tracking System, and Deportation Docket Control System under the Model Office Project. Provide Word Processing in 16 district offices to handle routine letters, reports, transcripts, and general correspondence.

Bring on-line to the Master Index System the remaining 26 field offices bringing the total to 68 field offices (46 Files Control Offices, 21 Border Patrol Sector Headquarters and EPIC) under the Master Index Remote Access Project (MIRAC).

Implement the remaining modules of the Financial Management Information System (FMIS) and develop a Program Management Information System (Work Measurement System, G-23).

Base Program Description: Offices with automated systems respond quickly and informatively to demands by INS functional elements or the public. Locations that do not have the data processing resources perform their workloads by manual means, as follows:

Offices without automated MIS services must use mail, telephonic or telegraphic means to gain required service.

Offices that do not have APTS, A-File Tracking System and Deportation Docket Control System must continue to use a manual process to locate information and respond to public inquiries.

Currently, updating the NIDC requires the keying of 19 to 20 million Arrival/Departure documents. These documents are collected at ports of entry, mailed to the Central Office, manually coded, numbered and filmed. Then they are delivered to a contractor for keying onto magnetic tapes. Upon return to INS, the tapes are used to update the NIDC System. The automation of records functions in INS field offices has been limited to five of the 48 district offices, which received interim equipment before the mid-1979 "hold" on field automation. Implementation of field automation has been suspended, due to concerns raised by the House Government Information and Individual Rights Subcommittee. This committee and GAO have been concerned about the adequacy of INS planning for automation, and past procurement practices. INS is currently completing a long-range ADP plan, which deals with our plans for utilizing field automation. It is projected that implementation of this long-range plan will resume in 1981.

Remote inquiry access to the Master Index System is provided to 76 field offices utilizing the Justice Telecommunications System. Dial-up terminals are in use at 31 Files Control Offices for inquiry access to the Master Index System, and Distributed Visa Processing is being implemented at ten offices at the present time. (This will provide both on-line inquiry and update capabilities.) This has shown conclusively that significant benefits in terms of speed and accuracy accrue to INS functional elements from a system with remote data access capability.

PMIS (Work Measurement System G-23) is manually prepared in field offices and collected by Files Control Offices and summarized to produce monthly reports. These reports are manually verified and summarized into four regional reports at the Central Office for distribution back to the managers. This process requires tens of thousands of manhours to complete each year.

The Position Accounting and Control System (PACS) and Financial Accounting and Control System (FACS) modules of the Financial Management Information System (FMIS) have been automated. These systems feature a central data base with remote access for inquiry and updating. The Property, Fleet, Facility, and Procurement modules remain to be developed and implemented, and only some prototype work has been accomplished on the Budget module. These modules must be completed in order to achieve the total automation of INS resources management capability.

Inquiries and updates to Central Files are now accomplished mostly by mail, telephone and telegrams or interfile data communications.

Accomplishments and Workload: Accomplishments of the Data Systems Program are presented in the following table:

Item	Estimates	
	1981	1982
Systems designs/implemented.....	30	30
Files.....	66	66
Records volume (000).....	36,777	42,000
Systems maintained.....	23	24
Terminals.....	297	407
Mini-computers.....	26	31
Communication sites.....	50	76
Word processors.....	115	115
<u>Outputs</u>		
Reports.....	3,870	3,894
<u>Performance Measures</u>		
Contracts monitored.....	11	11
Users served.....	299	341
Records keyed (000).....	2,393	2,632
Records sorted (000).....	349	384

Continued operational and maintenance support was provided for the Master Index, Nonmigrant Document Control, Statistical Reporting System, Master Index Remote Project, Service Lookout Book, Financial Management, Alien Adjudications, Operational Analysis, Officer Corps Rating, Administrative Manual Index, Petition Index, Approved School Index, Agency Request Control, Airports Simulators, Project Control, Program Management, and Special Requests.

Inquiry access to the Master Index System was made operational at 51 additional offices via the Justice Telecommunications System during 1979 and 1980.

Fifteen sites for decentralized visa processing have equipment installed and are currently operational. These are Washington, New York, Miami, Detroit, Chicago, San Francisco, Los Angeles, San Diego, Seattle, Houston, Boston, Chula Vista, San Isidro, Philadelphia and Baltimore.

Thirty-one offices have dial-up terminals for inquiry access to the automated Master Index System on a temporary basis until on-line remote terminals are installed. This increase, of twenty-six, occurred during 1980.

Approximately 21 million records were keyed into the WDC System in 1980. Approximately 2 million records were keyed into the Statistical Reporting System (SRS) in 1980.

Field automation has three elements: the previously mentioned MIRAC terminals, minicomputers in the four regional offices to support financial and management systems, and minicomputers in five (of 48) district offices to support records management. The five district offices that have automated support for records functions are: Houston, Boston, Washington, D.C., Newark, and Los Angeles. In Los Angeles only the Citizenship Section is supported. In all five offices the current equipment is saturated and should be upgraded or replaced.

In 1979 and 1980, seven pieces of word processing equipment were installed in the Central Office. Forty-two new or upgraded pieces of equipment were installed in 15 district offices. A six-station shared logic word processing equipment system was installed in the New York District Office and the administrative minicomputer systems in the four regional offices and the Central Office were upgraded to allow all stations on those systems to perform word processing functions.

Program Changes:

An increase of \$500,000 is being requested to keep the WDC current and to provide more recent and expanded data for the WDC system so that INS can more rapidly dispose of apprehension and adjudication cases, provide timely responses on enforcement and intelligence requests and to react and be responsive in crises such as the Cuban refugee and Iranian situation.

Significant improvements have been made in the Financial Management Information System (FMIS) by the implementation of FACS and PACS. Information relating to financial and work force is now available to management on a timely manner which has greatly improved the decision making process. \$455,000 is being requested to expand these benefits to include the development of the property, fleet, facilities and procurement models of FMIS. These activities are currently manual operations and are inadequate for decision making.

The payments to the Justice Data Management System is the largest single fund in this program which provides support for systems maintenance, new development, special requests and on-going production for all INS organizational elements. There is \$3,117,000 in the 1980 and 1981 programs for usage of the Justice Data Center. At the current rate of usage the billings shown on PACS report, this service will exceed \$3,300,000 in 1980. Due to the continued growth of transactions and increased data base sizes it is estimated that the billing reports in 1982 will reflect a usage cost near \$4,000,000. Therefore, an increase of \$648,000 is requested to reduce the gap between the budgeted amount and the actual usage.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Communications Systems.....	10	16	\$3,533	10	20	\$3,868	9	20	\$3,556	-1	...	-\$312

Long-Range Goal: To provide all operational elements with required modern technological capability and full management direction in the continuing use of this capability.

Major Objectives:

Ensure an adequate maintenance and replacement program for radio communications, telephone answering and intrusion detection systems.

Provide law enforcement and public service elements with reliable, modern communications and electronics systems.

Maintain a sound automated frequency and project management system.

Maintain liaison with other user and regulatory agencies utilizing similar technology.

Base Program Description: The current support staff prepares detailed equipment and system technical solicitations in response to operational requirements and monitors progress of outside contractors through the stages of design, production and installation to ensure timely accomplishment of each project. Also essential to the success of each project is an effective channel of communications between the program and the operating elements. Through the use of computer timesharing services, radio frequency management and evaluation are accomplished. Projects serve both law enforcement and public service activities. Although the program's mission encompasses all categories of electronics technology, primary efforts are in the areas of radio communications, telephone call-handling equipment and electronics security systems.

The radio communications program is designed to replace antiquated equipment with modern, updated types, to ensure officer safety and meet expanded and special requirements for patrol, investigative and anti-smuggling activities.

The telephone call-handling program is designed to provide improved information services to the public through the use of sophisticated call answering and sequencing equipment at district offices.

The electronics security program is designed to provide the most sophisticated intrusion detection systems utilizing advanced sensors, improved displays and computer-aided dispatching techniques to increase the effectiveness of the Border Patrol in stemming the flow of undocumented entrants.

Interagency coordination is maintained with the U.S. Customs Service, the Drug Enforcement Administration and other law enforcement agencies. Presently, INS is working with Customs on a joint communications project in the Grand Forks, ND area, and the use of radio scanners for interagency communications in the Laredo and McAllen, TX areas. To ensure sufficient frequency allocations for communications and electronics systems and proper radio procedures, it is mandatory to coordinate closely with the Interdepartment Radio Advisory Committee (IRAC), Department of Commerce. Continuing coordination on the use of sensor and security systems is maintained with the Departments of Army and Energy to provide knowledge of new technology.

Accomplishments:

Accomplishments for this program encompass three areas: radio communications, telephone call-handling equipment, and electronics and security systems.

Radio communications: This consists of reliable, modern equipment and incorporates improved command and control capability for officers in the field thus ensuring their safety and providing increased operational mobility. In 1978, a contract was awarded for replacement of radio communication systems along the Northeast Border which provided improved capability and support for the Winter Olympics during February 1980. Implementation of a pilot program to share a radio communication system with the U.S. Customs Service in the Grand Forks, ND area was initiated during 1979. Also, during 1979, limited radio communication systems were installed in the following district office locations: Philadelphia, PA; Boston, MA; Hartford, CT; San Diego, CA; and Portland, OR. In 1980, the Cleveland, OH and St. Louis, MO systems were completed.

Telephone call-handling equipment: A major project was initiated in 1978 to improve the telephone information answering capability at various district offices through the use of automated answering and recording equipment. In 1978, systems were installed in Houston, TX; Washington, D.C.; and Atlanta, GA. During 1979, systems were installed in Los Angeles, CA; San Francisco, CA; Dallas, TX; San Diego, CA; Phoenix, AZ; Honolulu, HI; Detroit, MI; Philadelphia, PA; Boston, MA; and Miami, FL. 1980 installations were installed in Baltimore, MD; Denver, CO; Newark, NJ; Norfolk, VA; and San Antonio, TX. Additionally, telephone answering equipment was installed in New York, NY and Chicago, IL in 1980.

Electronics and security systems: Installation of replacement sophisticated intrusion detection systems continued along the Southern Border in 1979. These systems are comprised of specialized sensors to detect intrusions in the field and high technology minicomputers at the headquarters to permit improved control of operational activities through computer-aided dispatching and the generation of system performance reports. During 1980, contracts for replacement sensor systems were awarded for Yuma, AZ and El Paso, TX Sectors. In 1981, the system will be replaced in the Marfa and McAllen, TX Border Patrol Sectors. During 1979, closed circuit television systems (CCTV) were installed in detention facilities in El Paso, TX; Port Isabel, TX; San Antonio, TX; El Centro, CA; and Los Angeles, CA. These systems provide improved perimeter and internal security at Service Processing Centers.

Program Changes: A decrease of 1 position and \$312,000 is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment and for equipment costs related to reductions in the Border Patrol.

1981 Appropriation Anticipated

1982 Base		1982 Estimate		Increase/Decrease			
Perm.	Pos.	Perm.	Pos.	Perm.	Pos.		
958	810 \$17,069	958	972 \$17,729	940	972 \$17,729	-18	...

Records..... 958 810 \$17,069 958 972 \$17,729 940 972 \$17,729 -18 ...

Long-Range Goal: Develop and maintain a records system which provides INS operating units and other governmental law enforcement agencies with high quality, responsive support.

Major Objectives:

Reduce significant backlogs and improve responses to requests from the public, INS personnel, law enforcement agencies and other governmental agencies.

Control, maintain, and make available when requested all immigration and naturalization records and information from these records.

Maintain the Service's Files Control Offices and provide operational support for the Alien File Tracking System, and Application and Petition Tracking System.

Deliver all field office mail to appropriate offices within the shortest possible time after receipt.

Implement automated systems and procedural improvements recommended in the National Archives and Records Service (NARS) Study.

Maintain an active Records Management Committee to bring about improvements in the Service's Records Program.

Base Program Description: The Master Index plus certain centralized record groups, such as the nonimmigrant arrival and departure documents and alien address reports, are maintained at the Central Office. The application of ADP and related technologies in the control and access of the records has been moving forward, not only at the Central Office, but also at the field offices. The records, or items of information from them, are furnished to users on request. "A" files and various other records are maintained at approximately fifty Files Control Offices throughout the United States. The activity of this program impacts on Data Systems by supplying the new data for the Master Index System and other automated systems. Information supplied regarding immigration and naturalization matters impacts also on Information Services and many other programs of the Service.

Accomplishments and Workload: Accomplishments of the Records Program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Alien files opened.....	848,213	1,025,741	1,200,000
Index searches completed.....	13,413,568	13,572,740	14,100,000

During 1980, automation of Records activities moved ahead. Twenty Files Control Offices (largest workload offices) became partially operational with the new Master Index Remote Access (MIRAC) equipment. This new equipment will give these field offices not only search capability of the Master Index, but also the capability to create new files, to make updates or corrections to existing files and to print and send to other field offices requests for transfer of files. As this new equipment becomes fully operational and is expanded to all field offices, production backlogs should be reduced. MIRAC equipment is planned to be operational in forty-four offices in 1981. Decentralized visa processing is operational at two field offices: Washington, and Baltimore. As the decentralization moves forward to more offices, the typing of the more recent visa information into the Central Index will upgrade the currency and availability of the Alien Files information. The increase in the keying volume of I-94, Nonimmigrant Arrival/Departure Documents will also permit better recordkeeping resulting in more up-to-date nonimmigrant records. Records' personnel are dedicated to providing operational support to the Alien Files Tracking System (AFIS) and Application and Petition Tracking System (APTS) as these systems become operational.

AFIS and APTS are presently operational in four (4) offices: Baltimore, Newark, Washington, and Houston. The automation of the recordkeeping activities, even though only at a low level at present, has been impacting on the Records backlogs and on alien informational responses to public inquiries. Automation has been taking place in Immigration and Naturalization Records but manual operations still remain the overwhelming majority of the Records activity. Through conscientious effort and priority attention to both personnel and financial resources, Records operations will improve and backlogs hopefully disappear. Mail delivery throughout the field offices has continued to be accomplished within the shortest possible time after receipt.

The Records Program was impacted with several high priority projects during 1980. One of the major projects was the registration of all Iranian nationals, who are students in the United States. This project was started in November 1979, and is continuing at present. Records personnel processed more than 100,000 forms and applications on Iranian students and more than 60,000 other forms relating to the Iranian students' dependents who registered. In recognition of the untiring efforts and overtime devoted to this project, the Records production staff received a commendation from the Service. Another major project was the processing of over 125,000 Cuban nationals to the United States in 1980. Records personnel were also cited by the Service for devotion to duty during the Cuban emergency. There have been many other special projects such as the record checks on over 8,000 German military nationals, name checks on over 5,000 Iranian nationals, and the processing of over 70,000 border crossing card applications.

The Records Management Committee has begun formulating a Records training program directed toward two areas: 1) introduction to the Service's Records operations; and, 2) specific training guidance for Records clerks. The training of Records personnel is supported by the recent 29th Report by the Committee on Government operations concerning INS Records Management problems. The Records Management Committee plans to begin training operations in 1981.

Program Changes: A decrease of 18 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	NY Amount	Pos.
Statistics.....	49	37	\$980	49	35	\$981	42	35	\$981	-7	...

Long-Range Goal: Continue to develop and maintain a quality, up-to-date statistical data base with relevant and accurate immigration and nationality statistical data.

Major Objectives:

Develop and maintain a quality, up-to-date statistical data base to meet the reporting requirements of the Congress, and Federal and non-Federal government agencies.

Compile statistics describing the work performed in accomplishing the Service's mission.

Provide detailed descriptive data on aliens entering or present in the United States.

Prepare the mandated annual report to Congress within 120 days after the close of the fiscal year.

Represent the Service and the Federal Government in a highly professional manner on national and international levels.

Provide analytical data on refugee influx into the United States.

Provide analytical data on the movement of nonimmigrant aliens into and out of the United States.

Base Program Description: Data from immigrant visas and nonimmigrant I-94's received during the year are coded for keying into the Service's computerized statistical reporting system in order to develop and tabulate statistical data on all non-U.S. citizens entering or present in the United States. Sampling is being employed in the nonimmigrant document area and will be explored for feasibility in the processing of immigrant visas.

A Servicewide work measurement report, a manual system, is a consolidation by regions, districts, offices, and suboffices, and operations of all Service productivity reports.

A study on the Indochinese refugee population currently in the United States is being prepared to provide needed information to concerned agencies and organizations.

A program is being organized to provide information on the movement of nonimmigrant aliens into and out of the United States. Personnel in this program are representing the Service and the U.S. Government at international meetings on tourism and immigration to develop standards for reporting alien statistics.

Accomplishments and Workload: Accomplishments of the Statistics Program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Documents coded:				
Immigrant.....	325,128	317,411	350,000	350,000
Nonimmigrant.....	6,941,173	4,349,103	2,060,000	2,150,000

Over one hundred workload reports were produced during 1980. These reports were developed from several hundred feeder reports from the Service's field offices and the Central Office. Efforts are being directed toward an evaluation and revision of the manual system. For the first time in the history of the Statistical Analysis Branch, personnel have represented the Service and the United States Government at international meetings concerning the development of statistics on alien immigration and naturalization. The meetings during the year were held in Mexico, France and in the United States. These meetings provided a framework for understanding and defining international needs for statistics on aliens. As a result of the Branch's efforts, a survey of a statistical series of member country tourism data was successfully implemented. The survey will enable the Service to coordinate, compare and align the Service's 1-94 nonimmigrant and other tourist data with those of the other 23 member countries. In 1980 for the first time in many years, the Service's Annual Report was produced and distributed on time. This was achieved by dividing the annual report into two volumes--one containing the narrative with few statistical tables and the other containing statistical tables only.

The branch initiated a study to examine naturalization rates. It will involve analyzing computerized data over a 21-year period and determining whether or not a decline in naturalization occurred in all countries analyzed or only a portion. Also, the study will reveal whether or not a naturalization decline continued after 1963.

In order to collect statistical data faster, the branch implemented in 1980 new sampling techniques on the 1-94 arrival document data. This technique permits sampling and coding of only 23 percent of the total 1-94 arrival input. Not only will the data be produced faster with the same or better statistical validity, but a manpower savings is anticipated.

Random sampling of demographic information from 9,002 Indo-Chinese Refugee Adjustment of Status documents has begun. The project is planned for completion in 1981. Data user tapes on several nonimmigrant data subjects have been developed to satisfy special requests from private institutions and government agencies. In order to make the data tapes more accessible for users, a data guide and user policy for the computer tapes have been established.

A random sampling of former I-213 (Apprehended Alien Records) is being done. The analysis of the data will aid enforcement/Intelligence officers in their operation activities.

Program Changes: A decrease of 7 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

Immigration and Naturalization Service
Justification of Program and Performance
 Activity Resource Summary

Activity: Program Direction

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Executive Direction and Control.....	443	\$19,213	443	\$19,180	429	\$19,180	-14	...
Administrative Services.....	404	\$17,680	404	\$18,826	399	\$18,826	-5	...
Total.....	847	\$36,893	847	\$38,006	828	\$38,006	-19	...

This activity includes the overall administration and management of the Service; policy development; Congressional and public affairs; legal counsel; planning and evaluation; budgeting; personnel; procurement; financial management and other support functions.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Executive Direction and Control.....	443	\$19,213	443	\$19,180	429	\$19,180	-14	...

Long-Range Goal: Provide meaningful and consistent policy and program direction throughout all levels of the Service; develop more efficient and cost effective methods of conducting INS responsibilities, and evaluate policy with a view toward recommending practical changes.

Major Objectives: Provide comprehensive programs and policy development on a national scope; plan, monitor and evaluate the programs and policies of all INS activities to ensure effective service to the public; prepare, execute and track budgets; provide legal services to INS and Department of Justice staffs; investigate allegations of employee misconduct; respond to Congressional, public and media inquiries; and comply with the requirements of the Freedom of Information and Privacy Act.

Base Program Description: A planning staff has been established to ensure that all policy directives are eventually incorporated into Service operations instructions, regulations, interpretations, officer handbooks, and other employee guides. The review process is an ongoing program that provides managers and members of their staffs at all levels of the organization with accurate and consistent program guidance.

In a concerted effort to improve service to the public, automation is being introduced at several district offices to improve access to information contained in alien case files and to track the processing of applications and petitions filed by aliens in the United States. Side benefits of this effort are improved response times to inquiries and daily availability of detailed workload and financial information. Satellite offices have been opened in areas where there is a heavy concentration of alien population. Sophisticated evaluation is necessary to determine whether the offices should be continued, expanded or other alternatives developed. Outreach programs have also been established to make information more readily available to the public.

The effectiveness of INS programs is monitored through regularly scheduled field office inspections which are followed up with unannounced visits to assure that corrective action, where required, has been taken. Tracking of budget execution at the central and regional office levels and increased planning and evaluation emphasis provide other avenues of control. In 1980 two significant organizational changes were implemented to improve resource management and productivity. The Office of the Comptroller was established and now incorporates all fiscal management and analysis. Second, all functions performed by lawyers in INS were operationally consolidated under the general direction of the INS General Counsel. This will increase the productivity and the value of the lawyers in INS by enabling them to perform all functions rather than specialize in only one or two areas.

Accomplishments:

INS has reduced the paperwork required to apply for benefits, opened satellite offices and initiated outreach programs in areas with heavy alien populations, and has introduced automation at several field office locations. The Service is also making increased use of computers in records, financial management, research projects and budget preparation. Follow-up field inspections and evaluations are performed to identify those areas where corrective action has been taken and areas where action is still needed. This approach helps to ensure compliance with policy directives and to increase efficiency at the locations inspected. Emphasis has been shifted from examination of minor compliance items to broader areas of quality and quantity of work performed. In this way, overall program management is examined and recommendations formulated to improve it.

Program Changes: A decrease of 14 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Administrative Services.....	404	437 \$17,680	404	421 \$18,826	399	421 \$18,826 -5 ...

Long-Range Goal: Provide the full range of support services to all IRS units on a timely, efficient and effective basis in compliance with applicable laws, policies and external and internal requirements.

Major Objectives:

Provide the full range of personnel and EEO/Affirmative Action support services and program direction on a timely basis. This includes development and administration of Merit Staffing and Promotion Plans; EEO/Affirmative Action program policy, development and evaluation; alcohol, drug abuse, health and safety; labor relations; contract negotiations and other employee relations program development; implementation and monitoring; manpower planning and staffing to meet Servicewide operational needs; manual and automated personnel records and information support systems; implementation of legislative and regulatory requirements and policy development; classification and position management and personnel management evaluation.

Provide the full range of accounting support services and program direction on a timely basis. This includes automated and manual financial reporting systems and policy development; documentation, implementation and monitoring; maintenance and operation of a financial system of accounts; fiscal control over IRS appropriated funds, as well as cash and valuables in its custody; prompt payment of vouchers; accurate and timely financial reports as required to meet managerial needs and external reporting requirements; and implementation of legislative and regulatory requirements.

Provide the full range of general services support on a current basis. This includes leases and contracts and other procurement activity; forms printing and distribution; personal property records maintenance and accounting; manual and automated property management and procurement management control systems; fleet management, property management and procurement services; and construction and engineering activities in field offices.

Provide the full range of management analysis support services on a current basis. This includes forms, reports, and directives control; support services; special and recurring studies and analyses; and adaptation of forms for automated systems and reduced public reporting burden.

To provide support services for the receipt and transmission of messages through the Justice Telecommunication System (JUSTI).

Base Program Description: Organizationally, the objectives are accomplished through policy development, coordination and control at the Headquarters level with delegation of authority to the field as needed to meet management requirements. The accounting, personnel and general services components have operating units in the Central Office and counterparts in the four regional offices. Field activities below the regional level are generally performed by personnel of other programs at these locations who devote a portion of their time to administrative support services. These activities currently require a high degree of manual paperwork. However, the development and implementation of automated and mechanical processing support systems is being actively pursued.

Each headquarters branch coordinates its own functional activities with the appropriate authority as required by Department of Justice Orders, controlling legislation, Federal Regulations, etc. Many personnel issues require clearance through employee unions. The Associate Commissioner, Management coordinates externally mandated requirements through assignment to the appropriate program for action. The responsible program prepares and disseminates directives to field offices as necessary for compliance, and reviews performance. Departmental auditors, the Service's Office of Field Inspection and Audit, GAO and the agencies that promulgated the requirements periodically review activities of these programs to evaluate compliance.

Accomplishments and Workload: Accomplishments of the Administrative Services Program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Personnel actions.....	20,417	23,709	27,050	27,087
Position reviews completed.....	6,817	6,197	6,790	7,129
Disciplinary actions.....	433	442	506	531
Incentive awards.....	1,092	1,160	1,236	1,297
Vouchers examined.....	103,706	103,421	107,000	113,000
Bills prepared.....	39,890	41,112	43,000	45,000
Contracts and leases awarded.....	268	326	380	380
Purchase orders issued.....	18,123	22,445	24,700	27,000
Collections for fines, fees, etc.....	427,634,597	\$30,650,958	\$31,263,000	\$32,670,000

The fee structure for the various applications and petitions for benefits under the IAM Act were completely revised. Increased efficiency in the Service made it possible to decrease some fees and a new fee for providing telecommunications was established.

Procedures were implemented to enhance the collection of debts due to the Government from the public.

The Personnel Division arranged with the Office of Personnel Management to participate in their Productivity Measurement System (implemented October 1980).

Program Changes: A decrease of 5 positions is requested for this program. The reduction is the result of maintaining employment through 1982 at the approximate level of current on-board employment.

Immigration and Naturalization Service
Priority Rankings of Programs

<u>Ranking</u>		<u>Ranking of Base Programs</u>	<u>Ranking of Program Increases</u>
		<u>Programs</u>	<u>Programs</u>
1		Inspections Program	1 Detention
2		Border Patrol Program - Immediate Border	2 Data Systems
3		Adjudications Operations	3 Construction and Engineering
4		Records	
5		Detention	
6		Information Services	
7		Naturalization Operations	
8		Investigations Program	
9		Alien Documentation Program (ADIT)	
10		Executive Direction and Control	
11		Administrative Services	
12		Anti-Smuggling	
13		Deportation	
14		Data Systems	
15		Status Verification	
16		Communications Systems	
17		Overseas	
18		Construction and Engineering	
19		Training	
20		Trial Litigation	
21		Judicial Review	
22		Border Patrol Program - Other than Border	
23		Intelligence	
24		Statistics	
25		Research and Development	

Immigration and Naturalization Service

Salaries and Expenses

Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Workyear Amount	Amount
1961 as enacted.....	10,866	11,090	\$351,000
Supplementals requested:			
Pay increase supplementals requested:			
Increased pay costs.....			Amount
Deferrals or reprogramming to meet increased pay costs.....			127,870
Not pay supplementals.....		-861	11,948
Program supplementals requested:			
Cuban and Haitian.....		26	8,900
Uncontrollable.....		...	4,232
1961 appropriation anticipated.....	10,866	10,255	376,100
Adjustments to base and built-in changes:			
Uncontrollable increases:			
Amortization of 1961 pay increases.....	...	...	4,004
Witchamper salary increases.....	...	...	3,743
Pay-grade salary increases.....	...	...	471
Health benefits costs - Social Security (FICA).....	...	...	14
Health benefits costs.....	...	...	866
Federal Employees Compensation Act (FECA).....	...	...	335
Standard Level User Charges (SLUC).....	...	...	1,527
GSA recurring reimbursable services.....	...	...	274
Federal Telecommunications System (FTS).....	...	...	203
Travel costs - airfare increases.....	...	...	2,405
GPO printing costs.....	...	...	203
Printing costs for the Federal Register and Cost of Federal Regulations.....	...	...	4
Departmental printing and reproduction costs.....	...	...	40
General price level adjustment.....	...	...	3,081
Contractual deletion costs.....	...	...	420
Overseas mail transportation costs.....	...	...	15
Recalculation of workyears as provided in DHS Circular A-11, Sect'n 34.6, Page 74.....	...	260	...
Total, uncontrollable increases.....	...	260	17,545
Decreases:			
Non-recurring costs of renovation of Port Isabel Service Processing Center.....	...	...	-1,249
Non-recurring costs of equipment provided for 15 positions in 1961.....	...	...	-4
Non-recurring costs of full-field investigations provided for 15 positions in 1961.....	...	...	-14
Non-recurring costs of Cuban and Haitian supplemental.....	...	-26	-8,900
Total, decreases.....	...	-26	-10,158
1962 Base.....	10,866	10,469	383,477

Immigration and Naturalization Service

Salaries and Expenses

Adjustments to Base and Built-In Changes
(Dollars in thousands)

Workyears Amount

Uncontrollable increases:

1. Annualization of 1981 pay increase..... .. \$4,004

This provides for annualization of the October 5, 1980 pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 and three days (October 1-3, 1980) were not included in the pay raise. Of the pay raise amount of \$22,810,000, \$10,930,000 was absorbed. The calculation of the amount required for annualization is:

3/261 x Amount of Pay Raise..... .. \$262,000
1981 Absorption of pay..... .. 10,930,000
Less Absorption in 1982..... .. -7,188,000
Total annualization..... .. \$4,004,000

2. Within-grade increases..... .. 3,743

This request provides for an expected increase in the cost of within-grade salary increases. This increase is consistent with increases experienced within recent years (Personnel compensation \$3,485,000 and benefits \$258,000 = \$3,743,000).

	No. of GS Pos.	Annual Salary Rate	Pay at Base of Grade	Cost of Within Grades	Lower Pay Scale Adjust.	Adjusted Cost of Within Grades	Change from 1981
FY 1982	10,045	208,248	186,041	22,207	...	22,207	3,485
FY 1981	10,650	216,641	197,919	18,722	...	18,722	4,707
FY 1980	10,707	196,293	182,278	14,015	109.1	14,015	-2,232
FY 1979	10,879	186,435	171,251	15,184	116.1	16,247	2,047
FY 1978	9,910	162,448	148,988	13,460	122.0	14,200	...

	<u>Workyears</u>	<u>Amount</u>
3. Wage-board salary increases.....	...	\$471
The increase of \$471,000 will provide for an average hourly increase of \$1.16 for the employees paid in accordance with prevailing wage rates.		
4. Retirement Contributions - Social Security (FICA).....	...	14
Beginning January 1, 1982, the base on which earnings for Social Security computation are calculated will increase from \$29,700 to \$31,000. The rate will increase from 6.65 percent to 6.70 percent. This increase is computed for 1,147 employees.		
5. Health benefits costs.....	...	805
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health carriers raised their rates approximately 12.4 percent, which has a direct impact on Government costs. The requested increase of \$805,000 provides for payment of the average rate percent over the \$6,492,000 now available.		
6. Federal Employees Compensation Act (FECA).....	...	335
The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 billing will be \$2,314,000 or \$335,000 over the 1981 estimate of \$1,979,000.		
7. Standard Level User Charges.....	...	1,527
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. The increase of \$1,527,000 provides for the same quality and quantity of space in 1982 as in 1981.		

	<u>Months</u>	<u>Amount</u>
8. GSA Recurring Reimbursable Services.....	...	274
The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$274,000 will provide the same level of service in 1982 as in 1981 which was \$1,558,000.		
9. Federal Telecommunications Systems (FIS).....	...	\$203
The FIS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$203,000 over the base of \$1,504,000.		
10. Travel costs - airfare increases.....	...	2,405
Although airline fares are subject to less regulation as a result of the Deregulation Act, the regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$2,404,500 over the base of \$6,870,000.		
11. GPO printing costs.....	...	203
The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$203,130 over the base of \$2,257,000.		
12. Printing Costs for the Federal Register and Code of Federal Regulations.....	...	5
The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations. The current cost estimates from GPO reflect an increase from \$320 per page to \$408 per page for the Federal Register. The requested uncontrollable increase provides funding for 57 pages.		

	<u>Workyears</u>	<u>Amount</u>
13. Departmental printing and reproduction costs.....	...	40
Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$40,050 over the base of \$445,000.		
14. General pricing level adjustment.....	...	\$3,081
This request applies to OMB pricing guidance as of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.		
15. Contractual detention costs.....	...	420
Based on the DOJ Expenditure Allotment Report, the cost of non-service contractual detention facilities will increase from \$16,856,977 in 1979 to \$18,503,145 in 1980. This represents a 9.8 percent increase, which was multiplied by 1979 actual costs of \$4,280,955 for an uncontrollable increase of \$419,534.		
16. Overseas mail transportation costs.....	...	15
The Department of Army advised the Department of Justice by letter on May 13, 1980, that overseas mail transportation costs will be increased. This will increase the Service's billing by \$14,997.		
17. Recomputation of workyears as provided in A-11, Section 34.5, Page 74.....	260	...
Total uncontrollable increases.....		
	260	17,545
<u>Decreases (Automatic non-policy):</u>		
1. Non-recurring costs of renovation of Port Isabel Service Processing Center.....	...	-1,249
\$1,388,000 - Total amount for renovation -139,000 - Yearly maintenance (10%) \$1,249,000 - Amount non-recurred		

	<u>Workyears</u>	<u>Amount</u>
2. Non-recurring costs of equipment provided for 15 positions in 1981.....	...	-5
3. Non-recurring costs of full-field investigations provided for 15 positions in 1981.....	...	-14
4. Non-recurring Cuban and Haitian Supplemental.....	-26	-8,900
Total decreases.....	-26	-10,168
Total, adjustments to base and built-in changes.....	234	7,377

Immigration and Naturalization Service
Salaries and Expenses
Financial Analysis - Program Increases/Decreases
(Dollars in thousands)

Item	Border Enforcement			Interior Enforcement		Detention and Deportation	
	Inspections Pos. Amount	Border Patrol-Imm. Pos. Amount	ADIT Pos. Amount	Investigations Pos. Amount	Detention Pos. Amount	Deportation Pos. Amount	Amount
<u>Grades</u>							
GS-12.....	...	...	...	...	...	...	...
GS-11.....	...	...	...	...	...	...	...
GS-9.....	-100	-160	-25	-81	-43	-43	-\$799
GS-7.....	...	...	...	...	...	...	...
GS-6.....	...	...	...	...	-14	-\$213	...
GS-5.....	...	...	...	...	-10	-137	...
Total positions and annual rate.....	-100	-1,859	-25	-81	-24	-350	-799
Lapse (-).....	100	1,859	25	81	24	350	799
Total workyears and personnel compensation.....	...	...	...	...	...	...	...
Personnel benefits.....	...	...	...	...	...	...	...
Travel and transportation of persons.....	...	...	...	...	...	...	...
Other rent, communications and utilities.....	...	-196	...	...	...	110	...
Other services.....	...	...	...	...	...	44	...
Supplies and materials.....	...	-172	...	...	...	2,046	...
Equipment.....	...	-1,834	...	...	...	...	...
Total workyears and obligations, 1982.....	...	-2,802	...	...	...	2,200	...

Immigration and Naturalization Service

Salaries and Expenses

Financial Analysis - Program Increases/Decreases
(Dollars in thousands)

Item	Intelligence		Service to Public				Overseas		Support Operations	
	Pos.	Amount	Adjudications	Naturalization	Status Verification	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-12.....	-22	-\$593	...	...	...	...	...	...	...	...
GS-11.....	...	...	...	...	...	...	...	...	...	...
GS-9.....	...	...	-40	-\$743	-22	-\$495	-10	-\$225	...	...
GS-7.....	...	...	...	...	...	...	...	...	...	...
GS-6.....	...	...	...	...	...	...	...	...	...	...
GS-5.....	...	...	...	...	...	...	...	...	...	...
Total positions and annual rate....	-22	-\$593	-40	-743	-22	-495	-10	-225	...	...
Lapse (-).....	22	593	40	743	22	495	10	225	...	...
Total workyears and personnel										
compensation.....	...	...	...	...	...	...	...	...	...	...
Personnel benefits.....	...	...	...	...	...	...	...	...	...	...
Travel and transportation of	...	...	...	...	...	...	...	...	...	...
persons.....	...	...	...	...	...	...	...	...	...	...
Other rent, communications and	...	...	...	...	...	...	...	...	...	...
utilities.....	...	...	...	...	...	...	...	...	...	...
Other services.....	...	...	...	...	...	...	...	...	...	...
Supplies and materials.....	...	...	...	...	...	...	...	...	...	...
Equipment.....	...	...	...	...	...	...	...	...	...	...
Total workyears and obligations,										
1982.....	...	...	...	...	...	...	...	...	...	-\$1,000

Immigration and Naturalization Service
Salaries and Expenses
Financial Analysis - Program Increases/Decreases
(Dollars in thousands)

Item	Construction				Support Operations (Continued)				Statistics				Program Direction				Total			
	Pos.	Amount	Pos.	Amount	Data Systems	Communications	Records	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.
<u>Grades</u>																				
GS-12.....	-1	-\$27	...	...	...	...	...	...	...	...	-14	-\$377	...	...	-37	-\$997	...	...
GS-11.....	-146	-3,283	...	...
GS-9.....	-5	-\$93	-373	-6,913	...
GS-7.....	-14	-213	...
GS-6.....	-17	-232	...
GS-5.....	-18	-221	...
Total positions and annual rate.....
Lapse (-).....	-1	27	18	-221	-7	-95	-14	377	-5	-93	5	605	-11,879	11,879	...	...
Total workyears and personnel compensation.....
Personnel benefits.....
Travel and transportation of persons.....
Other rent, communications and utilities.....
Other services.....
Supplies and materials.....
Equipment.....
Total workyears and obligations, 1962.....	...	1,073	...	1,803	...	-312	...	...	...	...	...	...	...	...	...	...	...	...	...	1,562

Immigration and Naturalization Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions	Amount	Positions	Amount	Positions	Amount
	Workyears		Workyears		Workyears	
Executive Level IV \$52,750.....	1		1		...	
ES-5, \$50,112.....	1		1		...	
ES-4, \$50,112.....	20		20		...	
ES-3, \$50,112.....	8		8		...	
ES-2, \$50,112.....	2		2		...	
ES-1, \$50,112.....	1		1		...	
GS/GM-15, \$44,547 - \$50,112.....	153		153		...	
GS/GM-14, \$37,871 - \$49,229.....	332		332		...	
GS/GM-13, \$32,048 - \$41,660.....	441		441		...	
GS-12, \$26,951 - \$35,033.....	777		740		-37	
GS-11, \$22,486 - \$28,236.....	1,685		1,539		-146	
GS-10, \$20,467 - \$26,605.....	37		37		...	
GS-9, \$18,585 - \$24,165.....	2,484		2,111		-373	
GS-8, \$16,826 - \$21,875.....	109		109		...	
GS-7, \$15,193 - \$19,747.....	714		700		-14	
GS-6, \$13,672 - \$17,776.....	737		720		-17	
GS-5, \$12,266 - \$15,947.....	1,435		1,417		-18	
GS-4, \$10,963 - \$14,248.....	1,044		1,044		...	
GS-3, \$ 9,766 - \$12,700.....	687		687		...	
GS-2, \$ 8,951 - \$11,265.....	15		15		...	
Ungraded positions.....	203		203		...	
Total, appropriated positions.....	10,686	\$221,680	10,281	\$213,758	-605	-\$7,922
Pay above stated annual rates.....	...	838	...	842	...	4
Lapses.....	-933	-14,695	-244	-5,095	689	9,600
Net savings due to lower pay scales for part of the year..	...	-167	...	...	...	167
Net permanent.....	9,953	207,656	10,037	209,505	84	1,849

Immigration and Naturalization Service

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1961 Estimate Workyears	Amount	1962 Estimate Workyears	Amount	Increase/Decrease Workyears	Amount
11.1 Permanent positions.....	9,953	\$207,786	10,037	\$209,635	84	\$1,849
11.2 Positions other than permanent:						
Acting positions.....	38	521	40	549	2	28
Temporary employment.....	182	2,980	204	3,123	22	143
Other part-time and intermittent employment.....	82	1,885	128	1,969	46	84
11.5 Other personnel compensation:						
Overtime.....	366	9,678	327	8,176	-39	-1,502
Administratively uncontrollable overtime.....	591	13,315	553	12,460	-38	-855
Other compensation.....	78	5,005	78	5,005	...	...
1931 Act Overtime.....	552	11,641	553	11,640	1	...
11.8 Special personal services payments.....	...	216	...	233	...	17
Total, workyears and personnel compensation.....	11,662	\$53,045	12,000	\$52,830	338	...
12 Personnel benefits.....						
Travel and transportation of persons.....	30,705	32,475	32,475	32,475	...	...
Transportation of things.....	18,442	17,471	17,471	17,471	...	...
Standard level user charge.....	2,334	2,549	2,549	2,549	...	...
23.1 Communications, utilities and other rent.....	15,469	15,768	15,768	15,768	...	...
23.2 Printing and reproduction.....	13,190	14,760	14,760	14,760	...	...
24 Other services.....	2,018	3,165	3,165	3,165	...	...
25 Supplies and materials.....	23,574	27,744	27,744	27,744	...	...
26 Equipment.....	9,801	10,992	10,992	10,992	...	...
31 Lands and structures.....	5,646	6,153	6,153	6,153	...	...
32 Insurance claims and indemnities.....	1,534	146	146	146	...	...
44 Retirees.....	19	27	27	27	...	...
91 Unvouchered.....	50	50	50	50	...	...
Total obligations.....		376,962		385,169		8,207
Unobligated balance available start-of-year.....		-632		...		632
Unobligated balance available end-of-year.....		...		...		...
Collection for quarters and subsistence from employees housed in government quarters.....		-130		-130		...
Total requirements.....		376,100		385,039		9,939
Relation of obligations to outlays:						
Obligations incurred.....		376,732		385,039		...
Obligations available, start-of-year.....		51,512		51,512		...
Obligations available, end-of-year.....		-55,153		-56,233		...
Outlays.....		373,091		381,959		8,868

Revised 1/28/61

DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Salaries and Expenses
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Salaries and Expenses

1982 Budget Appendix Page	Heading	1982 Budget Request Pending	1982 Proposed Amendment	1982 Revised Request
I-M13	Immigration and Naturalization Service: Salaries and expenses.....	\$385,039,000	-\$21,663,000	\$363,376,000

The 1982 Authorization Bill has been prepared by the Department and is awaiting approval.

Immigration and Naturalization Service

Salaries and Expenses

Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>1982 Presently Available</u>
Request Pending.....	10,281	10,489	385,039
Proposed Amendment.....	-750	-587	-21,663
Revised Estimate.....	9,531	9,902	363,376

Explanation of Request

This request reflects reductions which assume amendment of the Cargo Preference Act and the Act of March 2, 1931, which provides for inspectional overtime. Also included are personnel reductions which are part of the Administration's Economics Recovery Program.

Immigration and Naturalization Service

Salaries and Expenses

Summary of Requirements
(Dollars in thousands)

Comparison by Activities	1982 Request Pending			1982 Proposed Amendment			1982 Revised Request		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Border Enforcement.....	4,362	4,458	\$154,723	-100	-93	-\$7,553	4,262	4,365	\$147,170
2. Interior Enforcement.....	899	898	35,416	-228	-166	-5,327	671	732	30,089
3. Detention and Deportation.....	1,039	1,032	49,342	...	...	...	1,039	1,032	49,342
4. Intelligence.....	25	25	1,461	...	...	...	25	25	1,461
5. Service to Public.....	1,953	1,994	63,651	-372	-292	-8,232	1,581	1,702	55,419
6. Support Operations.....	1,175	1,191	42,440	-50	-36	-551	1,125	1,155	41,889
7. Program Direction.....	828	891	38,006	...	...	...	828	891	38,006
Total Requirements.....	10,281	10,489	385,039	-750	-587	-21,663	9,531	9,902	363,376

Justification of Requirements
(Dollars in thousands)

	1982	1982 Proposed	1982 Revised
	Pending (Base)	Amendment	Request
	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
Item: Cargo Preference Act.....	\$125	-\$63	\$62

The 1982 budget included \$125,000 to pay for the shipment of household goods to overseas duty posts. A decrease of \$63,000 is requested because a proposed amendment to the Cargo Preference Act will allow shipment of household goods on non-American vessels which charge lower rates.

	Number of	Costs of Shipment	Total Cost
	Transfers	per Transfer	
1981 Budget for shipment of goods.....	25	\$5,000	\$125,000
Revised estimate.....	25	2,500	62,500
Difference.....	...	2,500	62,500

	1982	1982 Proposed	1982 Revised
	Pending (Base)	Amendment	Request
	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
Item: 1931 Act overtime.....	\$11,680	-\$5,200	\$6,480

The 1982 budget included \$11,680,000 for premium pay to any employee engaged in inspection activities on Sundays and holidays, and outside the normal post hours of 8:00 AM to 5:00 PM on weekdays. The 1931 Act requires that an employee be paid "...one-half day's additional pay for two hours or a fraction thereof of at least one hour that the overtime extends postmeridian (not to exceed two and one-half day's pay for the full period from 5:00 PM to 8:00 AM) and two additional day's pay for Sunday and holiday duty..."

The Administration is proposing the repeal of the 1931 Act overtime to be replaced by the 1945 Act overtime which is applicable to most other Federal government employees. Similar changes in law are being proposed for other border inspectors with preferential overtime rates, e.g., Customs Inspectors. The provisions of the Act of March 2, 1931 result in much higher overtime pay rates for INS Inspectors than for other government employees. If the 1931 Act is repealed and INS Inspectors are paid on the basis of the 1945 Act, the government will save \$5,200,000.

A portion of the overtime cost is paid by the carrier on a reimbursable basis. This change would result in a savings to the carrier of approximately \$3,000,000.

	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Activity: Border Enforcement						
Inspections.....	1,459	\$54,616	-100	-\$7,553	1,359	\$47,063

A reduction of 100 positions and \$2,340,000 is proposed for the Inspections program. Although the Service will continue to maintain its presence at all existing ports of entry, staffing at major airports and land border ports will be reduced. However, the Administration believes that applicants at airports present a low risk and that procedures can be further streamlined so waiting times will not be substantially increased.

	1982 Amendment	
	Pos.	Amount
Inspections.....	-100	-\$7,553
Less common expense items previously justified.....	...	5,213
Program change requested.....	-100	-\$2,340

Activity: Interior Enforcement

	1982 Request		1982 Proposed		1982 Revised Request	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Investigations.....	717	\$28,663	-228	-\$5,327	489	\$23,336

A reduction of 228 investigative positions and \$5,327 is requested for this program. Compared with the area control operation, the casework portion of this program is unproductive based on the number of deportable aliens located. This casework includes inquiry into fraudulent immigration practices, and investigations into allegations of criminal, immoral, subversive (including terrorists), or narcotic activities by aliens. It also includes investigations performed for consular officers who question the information provided in certain visa applications. The Service will narrow its selection of cases for investigation and thus minimize increases to backlogs.

Activity: Service to the Public

	1982 Request		1982 Proposed		1982 Revised Request	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Adjudications Operations.....	870	\$27,125	-300	-\$6,500	570	\$20,625
Status Verification.....	231	9,748	-72	-1,682	159	8,066
Overseas.....	113	6,328	...	-50	113	120
Other.....	739	20,450	...	...	739	20,450
Total, Service to the public..	1,953	\$53,651	-372	-\$8,232	1,581	\$49,419

1982 Amendment	
Pos.	Amount
Adjudications Operations.....	-300 -239 -\$6,500

A 300 position reduction is requested in the Adjudications program. The Administration believes that there is some duplication of effort in the Service and in the Department of State in the processing of visa petitions and applications for waivers of excludability. Applications for extensions of stay by nonimmigrant visitors can be reduced by more liberal time periods of temporary admission. Because the rate of denial of visa petitions is extremely low, we believe that procedures can be established to more rapidly process those petitions which are clearly approvable. Other procedural improvements in the Adjudications program may also result in increased production.

1982 Amendment	
Pos.	Amount
Status Verification.....	-72 -53 -\$1,682

A reduction of 70 positions is requested for this program, which is charged with investigating questionable applications for citizenship and immigration benefits. No statistics are now kept on the result of these investigations or the disposition of the cases. The Administration believes that reducing the number of these investigations will not substantially increase the risk that unqualified applicants will gain citizenship or permanent resident status. Until we establish better case management and data on case disposition, it is difficult to justify the current level of resources devoted to this program.

1982 Amendment	
Pos.	Amount
Overseas.....
Less common expense items previously justified.....
Program changes requested.....

Overseas.....

Less common expense items previously justified.....

Program changes requested.....

	1982 Request Pending			1982 Proposed Amendment			1982 Revised Request		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Activity: Support Operations									
Records.....	940	972	\$17,729	-50	-36	-\$551	890	936	\$17,178

A reduction of 50 positions is requested for the Records program. The reduction in staffing levels and facilitation of procedure in several of INS's operational programs is expected to have a direct impact on the Records activity. The number of inquiries and records processed is expected to decrease. In addition, the continued automation of certain of INS's record keeping functions will allow this program to accept a relatively modest decrease.

Immigration and Naturalization Service
Salaries and Expenses
 Financial Analysis
 (Dollars in thousands)

Grade and Object Class	1982 Proposed Amendment		Cargo Preference Act		Inspections		Investigations		Adjudications Operations		Status Verification		Records	
	Pos.	Amount	Act	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-11.....	-352	\$9,056	...	...	...	...	-150	-\$3,736	-150	-\$3,892	-52	-\$1,428	...	...
GS-9.....	-90	-1,578	...	...	-90	-1,578	...	...	...	...	...	...	...	...
GS-5.....	-258	-3,505	...	...	-10	-122	-78	-1,060	-150	-2,045	-20	-278	...	...
GS-4.....	-50	-628	...	...	...	...	...	...	...	...	...	...	-50	-628
Total positions and annual rates.....	-750	-14,767	...	...	-100	-1,700	-228	-4,796	-300	-5,937	-72	-1,706	-50	-628
Lapse.....	203	3,992	...	...	27	459	62	1,304	81	1,603	19	450	14	176
Full-time equivalent employment and related compensation.....	-547	-10,775	...	...	-73	-1,241	-166	-3,492	-219	-4,334	-53	-1,256	-36	-452
Positions other than permanent.....	-40	-486	...	...	-20	-286	...	...	-20	-200	...	...	...	...
Other personnel compensation.....	...	-4,573	...	...	...	-5,200	...	225	...	668	...	-266	...	...
Personnel benefits.....	...	-3,012	...	...	...	-663	...	-936	...	-1,195	...	-160	...	-58
Travel and transportation of persons.....	...	-285	...	...	...	...	...	-80	...	-164	...	...	...	-41
Transportation of things.....	...	-374	...	...	...	...	...	-211	...	-100	...	...	...	...
Communications, utilities and other rent.....	...	-1,025	...	...	...	...	...	-604	...	-421	...	...	...	...
Printing and reproduction.....	...	-341	...	...	...	...	...	-86	...	-255	...	...	...	...
Other Services.....	...	-195	...	...	...	...	...	-51	...	-144	...	...	...	...
Supplies and materials.....	...	-246	...	...	...	-150	...	-84	...	-12	...	...	...	...
Equipment.....	...	-351	...	...	...	...	...	-8	...	-343	...	...	...	...
Total workyears and obligations, 1982....	-587	-21,663	-63	-93	-7,540	-166	-5,327	-239	-6,500	-53	-1,682	-36	-551	

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised
5010-101

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	1982	1982	1982
15-1217-0-1-751	Request Pending	Proposed Amendment	Revised Request
Program by activities:			
Direct program:			
Operating costs:			
1. Border Enforcement.....	154,094	-7,553	146,541
2. Interior Enforcement.....	35,404	-5,327	30,077
3. Detention and Deportation.....	49,297	...	49,297
4. Intelligence.....	1,442	...	1,442
5. Service to Public.....	63,479	-8,232	55,247
6. Support Operations.....	41,580	-551	41,029
7. Program Direction.....	37,980	...	37,980
Total, direct program.....	383,276	-21,663	361,613
Unfunded adjustments to total operating costs: Depreciation included above.....	-3,844	...	-3,844
Total operating costs, funded	379,432	-21,663	357,769
Capital investment, funded:			
1. Border Enforcement.....	2,301	...	2,301
2. Interior Enforcement.....	35	...	35
3. Detention and Deportation.....	135	...	135
4. Intelligence.....	59	...	59
5. Service to Public.....	522	...	522
6. Support Operations.....	2,605	...	2,605
7. Program Direction.....	80	...	80
Total capital investment.....	5,737	...	5,737
Total, direct program.....	385,169	-21,663	363,506
Reimbursable program.....	10,422	...	10,422
10.00 Total program costs, funded - obligations.....	395,591	-21,663	373,928

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised.
200-101

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	1982	1982	1982
1517-1217-0-1-751	Request Pending	Proposed Amendment	Revised Request
Financing:			
Offsetting collections from:			
11.00 Federal funds.....	-590	...	-590
14.00 Non-Federal sources.....	-9,962	...	-9,962
21.40 Unobligated balance available, start of year.....	...	...	...
22.40 Unobligated balance transferr- ed from other accounts.....	...	...	...
40.00 Budget Authority (appropriation).....	385,039	-21,663	363,376
Relation of obligations to outlays:			
71.00 Obligations incurred, net....	385,039	-21,663	363,376
72.40 Obligated balance, start of year.....	55,037	...	55,037
74.40 Obligated balance, end of year.....	-58,117	116	-58,001
90.00 Outlays excluding pay raise supplemental.....	381,863	-21,547	360,316
91.20 Outlays from civilian pay raise supplemental.....	96	...	96

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

STANDARD FORM 304
May 1969, Bureau of the Budget
Circular No. A-11, Revised
304-103

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	1982	1982	1982
15-1217-0-1-751	Request Pending	Proposed Amendment	Revised Request
Personnel compensation:	209,635	-10,775	198,860
11.1 Permanent positions.....			
11.3 Positions other than permanent.....	5,641	-486	5,155
11.5 Other personnel compensation.....	37,321	-4,573	32,748
11.8 Special personal services payments.....	236	...	236
Total personnel compensation.....	252,833	-15,834	236,999
Personnel benefits:			
12.1 Civilian.....	32,472	-3,012	29,460
21.0 Travel and transportation of persons.....	17,471	-285	17,186
22.0 Transportation of things.....	2,549	-374	2,175
23.1 Standard Level User Charges.....	16,788	...	16,788
23.2 Communications, utilities, and other rent.....	14,760	-1,025	13,735
24.0 Printing and reproduction.....	3,165	-341	2,824
25.0 Other services.....	27,744	-195	27,549
26.0 Supplies and materials.....	10,992	-246	10,746
31.0 Equipment.....	6,153	-351	5,802
32.0 Lands and structures.....	146	...	146
42.0 Insurance claims and indemnities.....	27	...	27
44.0 Refunds.....	19	...	19
91.0 Unvouchered.....	50	...	50
Total direct obligations.....	385,169	-21,663	363,506
Total reimbursable obligations.....	10,422	...	10,422
99.0 Total obligations.....	395,591	-21,663	373,928
			13

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised.
5010-101

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

PERSONNEL SUMMARY

Identification code	1982	1982	1982
15-1217-0-1-751	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
Direct:			
Total number of full-time permanent positions.....	10,281	-750	9,531
Total compensable workyears:			
Full-time equivalent employment...	10,489	-587	9,902
Full-time equivalent of overtime and holiday hours.....	1,419	-26	1,393
Average GS grade.....	8.09	8.22	8.08
Average GS salary.....	20,706	19,689	20,687
Average salary of ungraded positions	16,675	...	16,675
Reimbursable:			
Total number of permanent positions.	...	...	...
Total compensable workyears:			
Full-time equivalent employment...	43	...	43
Average GS grade.....	8.0	...	8.0
Average GS salary.....	17,930	...	17,930

DEPARTMENT OF JUSTICE
July 1968, Bureau of the Budget
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page 103

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

15-1217-0-1-751	1982	1982	1982
	Request Pending	Proposed Amendment	Revised Request
Executive level IV.....	1	...	1
Subtotal.....	1	...	1
ES-1.....	1	...	1
ES-2.....	2	...	2
ES-3.....	8	...	8
ES-4.....	20	...	20
ES-5.....	1	...	1
GS/GM-15.....	153	...	153
GS/GM-14.....	332	...	332
GS/GM-13.....	441	...	441
GS-12.....	740	...	740
GS-11.....	1,539	-352	1,187
GS-10.....	37	...	37
GS-9.....	2,111	-90	2,021
GS-8.....	109	...	109
GS-7.....	700	...	700
GS-6.....	720	...	720
GS-5.....	1,417	-258	1,159
GS-4.....	1,044	-50	994
GS-3.....	687	...	687
GS-2.....	15	...	15
Subtotal.....	10,077	-750	9,327
Ungraded.....	203	...	203
Total permanent positions.....	10,281	-750	9,531
Unfilled positions, September 30.....	-60	...	-60
Total permanent employment end of year.....	10,221	-750	9,471

Mr. SMITH. Acting Commissioner David Crosland, do you have a statement. Tell us also who is with you.

Mr. CROSLAND. Yes. Mr. Chairman, I am pleased to be here today to present the budget for the Immigration and Naturalization Service.

GENERAL STATEMENT

With your permission, I would like to submit my statement for the record and touch on some of the highlights of the contents.
[The prepared statement of Mr. Crosland follows:]

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT OF THE ACTING COMMISSIONER
DAVID CROSLAND
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee: '

I am pleased to have the opportunity to appear before you in support of the 1982 budget request for \$363,376,000 and 9,531 positions. I am accompanied by members of the INS management group.

This month marks the 90th anniversary of the founding of the Immigration and Naturalization Service. During the last year the attention of the public has been focused upon immigration issues.

Last year INS processed 125,000 Cubans who came without documents seeking asylum; more than 60,000 Iranian students were interviewed and a determination made on their immigration status; over 13,000 Haitians, also seeking asylum, were processed by INS amidst legal entanglements which until December prevented the holding of exclusion or deportation hearings; and 214,000 Southeast Asian refugees entered the country.

The heavy flow of immigrants and refugees, which has continued since the fall of Vietnam in 1975, has substantially increased applications and petitions to INS for the reuniting of families, adjustment to permanent immigrant status and for United States citizenship. Although we are moving forward with our plan for automation, it will still be five to seven years before a total system is in place.

Since passage of the Immigration and Nationality Act of 1952, numerous amendments have been made which have added new benefits to aliens, or have extended existing ones to additional people. The effect has been an ever increasing workload for the Service.

The first significant one in 1965 changed the manner in which immigrant visas were allocated. This amendment abolished the quotas which were based on national origin and eliminated restrictions on immigration from the so-called Asia-Pacific triangle. The effect of this amendment was to extend immigrant visa eligibility to a larger number of aliens.

The next significant amendment in 1966 provided for the adjustment to permanent resident status for Cubans admitted or paroled into the United States after January 1, 1959. This applied to the large number of Cubans who fled to the United States following the Castro revolution, and created a large INS workload.

A 1976 amendment made Western hemisphere aliens eligible for adjustment to permanent resident status while within the United States. This caused an increase in the processing of preference visa petitions and in the adjustment of status workload.

In 1977, legislation provided for the adjustment to permanent resident status of Indochina refugees paroled into the United States prior to January 1, 1979. An excess of 150,000 aliens benefited from this legislation.

The last significant amendment was the Refugee Act of 1980 which provided for the admission of refugees and the granting of asylum to aliens within the United States or at ports of entry. This act also provides for the adjustment to permanent resident status of refugees admitted and aliens granted asylum.

There are three main thrusts to the Service's efforts to provide automated support to its operational activities: 1) development of a Servicewide long range ADP plan; 2) an interim system which will provide automated casework support in the areas of naturalization and detention and deportation; and 3) maintenance and operation of the systems now in operation.

Development of the long range ADP plan is a continuance of a major planning effort begun last spring which has resulted in the completion of a mission plan (including mission goals and strategies to achieve those goals), an information requirements study, and a systems design concept.

INS is formulating a proposed ADP capabilities plan. This will incorporate documentation of the Service's current ADP systems and result in a description of automated applications required to support its mission goals.

Congress had placed a hold on all INS procurement of data processing equipment pending the completion of a long range plan. However, it has been recognized that some level of automated support is necessary in the meantime. In answer to this need the President's Management Improvement Council has recommended that INS develop an interim automated capability to support casework control in naturalization and deportation docket control. INS has begun to develop this interim support and has received approval by the Brooks Committee last week to go forward.

We are also continuing to operate and maintain current systems. Major ones include the financial management information system (FMIS), the master index, the nonimmigrant document control system (NIDC), and the alien documentation

identification and telecommunications system (ADIT). Major initiatives include expansion of access to the master index through placement of terminals in INS field offices and a nonimmigrant information requirements study being performed under contract to provide INS with the basis for improvements to its NIDC system.

It is in the spirit of concern over federal spending and the desire to reduce outlays as a means of combatting inflation that the INS 1982 budget has been submitted.

The President has appointed Attorney General Smith to direct an Interagency Task Force on Immigration Policy. This task force will report to the President in May. The task force will study a number of areas including, but not limited to, those identified in the report by the Select Commission. The Attorney General has previously stated to the House Judiciary Committee that upon completion of this study he may recommend changes in the proposed budget for the Immigration and Naturalization Service.

The 1982 request for the Service is \$363,376,000. The budget includes program increases of \$5 million for automated data systems, operation of a temporary processing facility in Miami for Haitian boat people and repair and alteration of several facilities.

For the first time, INS has made its field operations managers a part of the budget process. Program managers worked closely with personnel in the regional offices in determining needs and areas of highest priority as a means of

arriving at more realistic funding levels. This also has the obvious benefit of making field personnel partners in the budget plan.

I will now address the operating divisions of the INS, beginning with the enforcement functions. Each of the functions will be covered in greater detail by the program managers over the course of these hearings.

The border patrol is the enforcement arm most responsible for apprehension of illegal aliens. In fiscal year 1980 apprehensions by the border patrol declined to just over 759,000 from 889,000 the preceding year. This decline was caused by two factors, which were unforeseen at the start of the year. One was the influx of Cubans in the boatlift, which required the assignment of 220 officers to refugee camps and to Florida to help maintain order in the camps and to ensure against the surreptitious landing of Cubans along the Florida coast. There are still 35 border patrol officers assigned to this project, including 25 at St. Elizabeth's Hospital here in Washington.

The second factor was the restriction placed upon checks of places of employment and residences during the 1980 census. To guard against allegations that INS was interfering with the census or using information gained from census takers to make apprehensions, the Attorney General required search warrants for officers to check businesses, farms, ranches and residences. These restrictions were in place from April 1980 until mid-January of this year.

Prior to the Cuban influx and the restrictions, apprehensions early in fiscal 1980 had been five per cent above the previous year. We anticipate that apprehensions during this fiscal year will increase to more than one million.

The 1982 budget calls for 2,716 positions in the border patrol. The practical effect is that the border patrol will remain at the same level in 1982 as in 1981.

The prevention of unlawful entry and the immediate apprehension of illegal entrants will be the primary border activity. We will continue, also, to control penetration to the interior by traffic checks on major routes of travel and surveillance of public transportation in the border areas.

The investigations division is the second major arm of the law enforcement function. Investigators have two major responsibilities. One is the apprehension of illegal aliens in the interior of the United States. Second is investigative case work including fraud, such as that involving counterfeit documents and marriages entered into solely as a means for aliens to enter or remain in this country.

Last year apprehensions of illegal aliens by investigators engaged in search activities declined to 105,000 from 147,000 the year before. This decline was also attributable to the Cuban inflow and the search warrant requirement. In addition, investigators were heavily involved in the interviewing and search for out of status Iranian students, which was directed by the President.

It is worth noting that 66,000 of the illegal aliens arrested by investigators last year were employed, and about 70 per cent were earning the minimum wage or more.

An important part of INS law enforcement is directed against the smuggling of aliens into the United States. Last year more than 16,000 smugglers were arrested, and the number of smuggled aliens apprehended was 160,000. In addition, we used extensively for the first time a law permitting the seizure of smugglers' vehicles and confiscated 2,569 conveyances, including cars, trucks, campers, trailers, boats, and airplanes.

A major problem in the detention and deportation divisions is the housing of Haitians fleeing the poverty of their country and landing on the beaches in Florida. More than 13,600 Haitians have come illegally to the United States in the past year, and we anticipate continued arrivals of around 1,100 per month. A suitable facility to house up to 750 aliens in the Miami area is required. To achieve this a \$6 million renovation is underway at a surplus missile site known as the Krome facility. This is expected to be completed and in full operation late this fiscal year. The Army Corps of Engineers is paying for this renovation. The 1982 budget requests \$2.2 million to operate the facility.

INS has recently begun holding exclusion hearings on Haitians in the Miami area who arrived after October 10, 1980. Until recently, the Service was under a court order not to conduct such hearings, and none had been held since 1976. Hearings will be held first on the oldest cases ... those who have been here the longest. Haitians who arrived prior to October 10 are covered under the special Cuban/Haitian entrant status.

The inspections division has the major responsibility for preventing the entry of non-admissible aliens at ports of entry and facilitating admission of bona

fide travelers. Last year 309 million ... nearly one and one half times the nation's population ... made entry into the United States. This includes United States citizens and border crossers, who pass back and forth from Mexico and Canada daily. Each must be inspected, and represents a unit of work. This figure is increasing each year. In 1979 it was 275 million; in 1982 it is expected to be 340 million.

To facilitate entry by the public, and as an economy measure, both Immigration and Customs screening has been shared in recent years by INS and the United States Customs Service at land border ports of entry. Customs inspectors are designated to perform immigration inspections ... that is to determine if the persons attempting entry to this country are legally entitled to do so. INS inspectors also perform Customs inspections . . . to prevent the entry of prohibited materials.

Several new methods have been implemented by INS at international airports to make the inspections process more efficient and reduce waiting time for the public. At 24 major airports we have instituted a citizen by-pass, which allows United States citizens to walk around the immigration inspection area. At others, combined immigration and customs inspections are conducted at the same time by a single officer, eliminating the need for the incoming passenger to make two stops. This is similar to the inspection procedure which has been in effect at land border ports.

In recent years we have established pre-clearance, which means inspection of United States bound passengers before they board a plane at a foreign departure point. This has been underway in Canada and the Bahamas and an interagency

group is investigating possible expansion of the procedure to some European airports.

During non peak hours INS inspectors also adjudicate petitions, such as applications to bring foreign relatives to this country. Last year nearly half of all applications and petitions submitted to INS were processed by inspectors at ports of entry.

In addition to its law enforcement responsibilities, INS also provides service to the public. This includes the reunification of families whose members are in the United States and abroad, entry of immigrants with needed skills and temporary admission of students, some workers and others.

Much of this work is performed by the adjudications division of INS. Receipts of applications and petitions to this division have reached nearly two million annually in recent years, increasing by more than 30 per cent since 1977. In an attempt to handle the growing workload without increasing staff, INS has turned to methods, such as the combining of forms and on the spot adjudication of simpler requests, including extensions of stay in this country. As I mentioned earlier, nearly half of the applications are sent to ports of entry to be adjudicated by inspectors between flights or during non peak hours.

The volume of applications is expected to continue to increase, partly as a result of the growing number of refugees entering the country. There has been more than a six fold increase in refugee entries since 1977.

Another major service area is naturalization. Applications for American citizenship have been increasing at a rate of nearly 15 per cent per year, last year totaling over 316,000. At the end of last year pending applications totaled 113,000, or about five months of work at our present completion rate. Volume will continue to grow, also partly because of the large refugee inflow of recent years.

Naturalization is an area where legislation, would increase productivity. Current law requires all applicants for citizenship to bring for interview two persons to testify to the applicant's good moral character. Of course no one brings in witnesses who reveal anything derogatory about the applicant. And the information they provide is easily available from other sources, such as police and court records. We believe that legislation eliminating the two witness requirement would increase INS naturalization productivity by one-third.

One of the major sources of complaints from the public is that people cannot reach INS offices by telephone. Phones are either busy or unanswered. To improve responsiveness we have been installing new and automated telephone equipment. Seven upgraded systems were installed in field offices last year, bringing to 15 the number installed in the past two years. Tape libraries informing people about differing immigration policies and laws have been installed in Los Angeles and Miami, and are being evaluated.

Telephone responsiveness has been improved, but further improvements are needed. We anticipate that phone inquiries will continue to increase.

In summary, the management of INS has made considerable progress in identifying solutions to problems which have been known for some time. For example, after

being named Acting Commissioner nearly 18 months ago I placed a hold on procurements over \$10,000, and asked the Justice Department to review all such major contracts. The procedure now includes sufficient safeguards so that the Justice Department is satisfied with the new system, and I have released the hold.

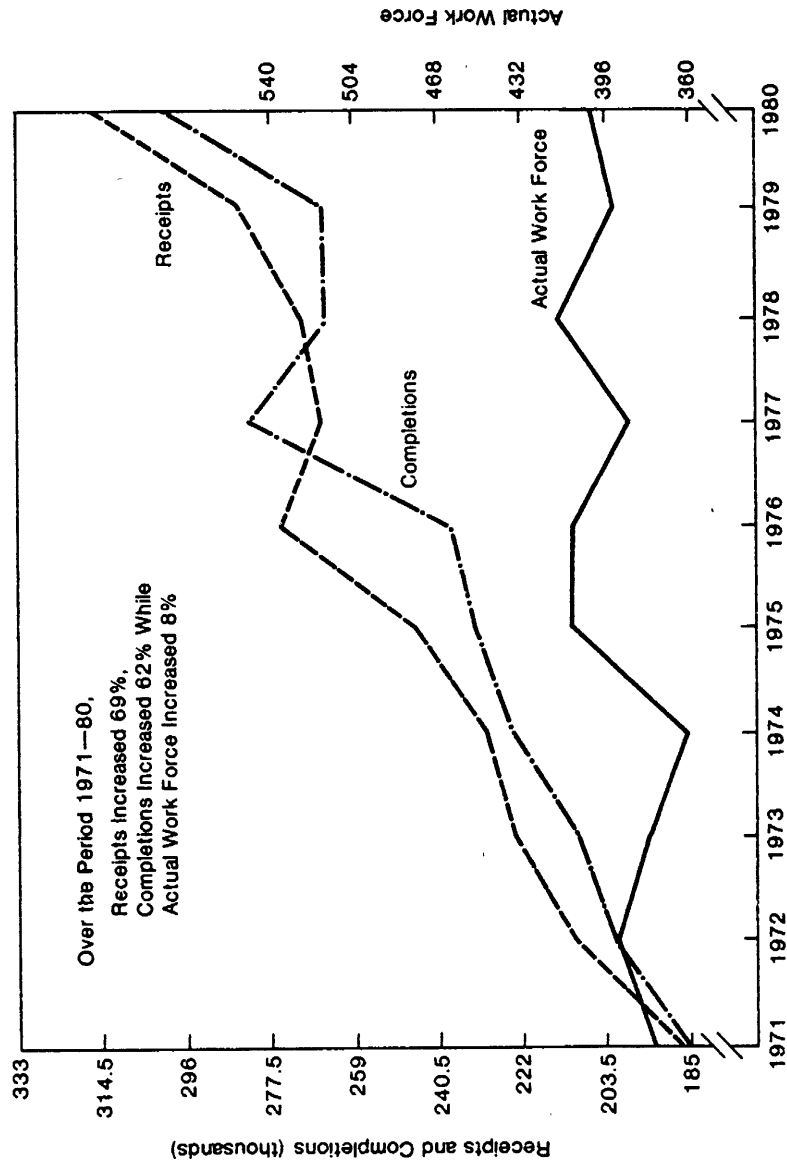
The President's Management Improvement Council has been studying and working with INS for more than a year, and has also been helpful in spotlighting problems and recommending steps to resolve them. We asked them to look into some specific areas and make recommendations. The Council's report calls attention to a number of needed administrative improvements, some of which have been implemented. Others are targeted for corrective action in the near future. Among those changes which have been made are improved procurement procedures, increased consultation with unions representing INS employees and greater involvement in the planning process by field personnel.

INS is continuing to make progress toward solving its major problems. However, we recognize that there are no quick fixes which will resolve problems in a matter of weeks or months. The entire management of the agency is aware of the need for continued productivity improvements and the development of greater operating efficiencies, and is committed to achieving them, utilizing as effectively as possible the resources available to us.

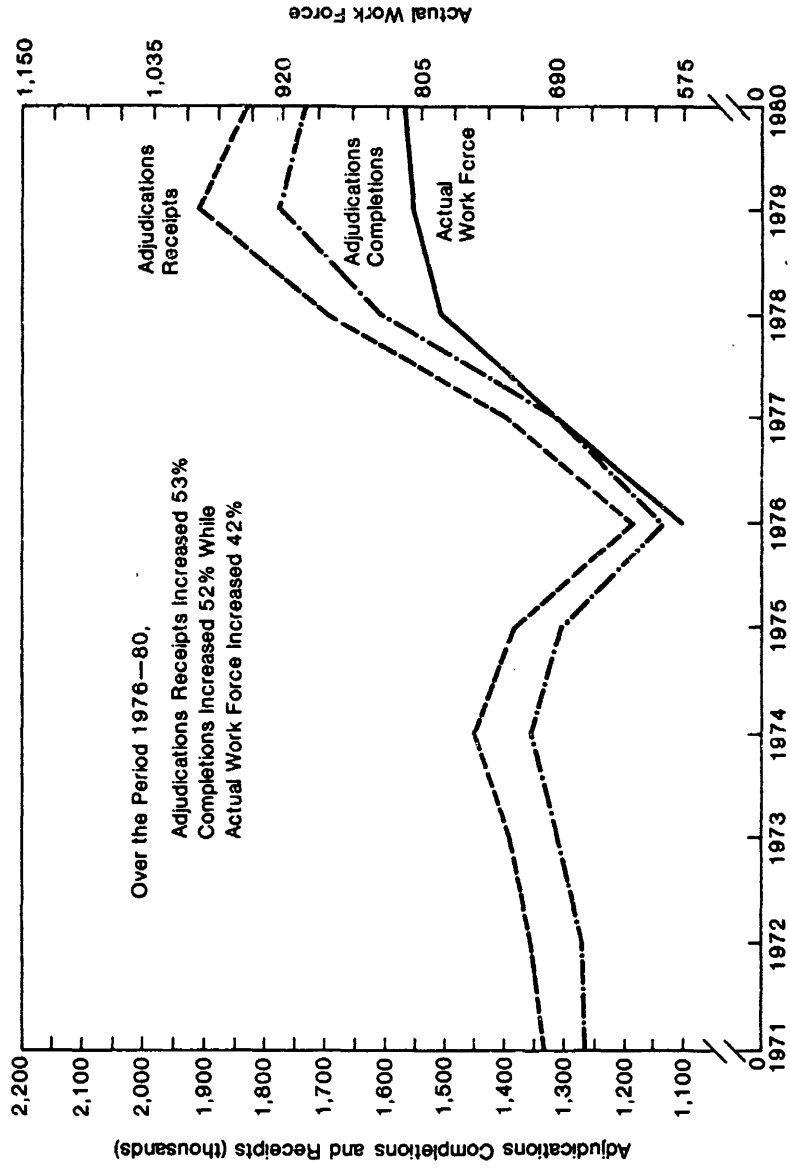
Thank you. I and my staff will be pleased to answer your questions.

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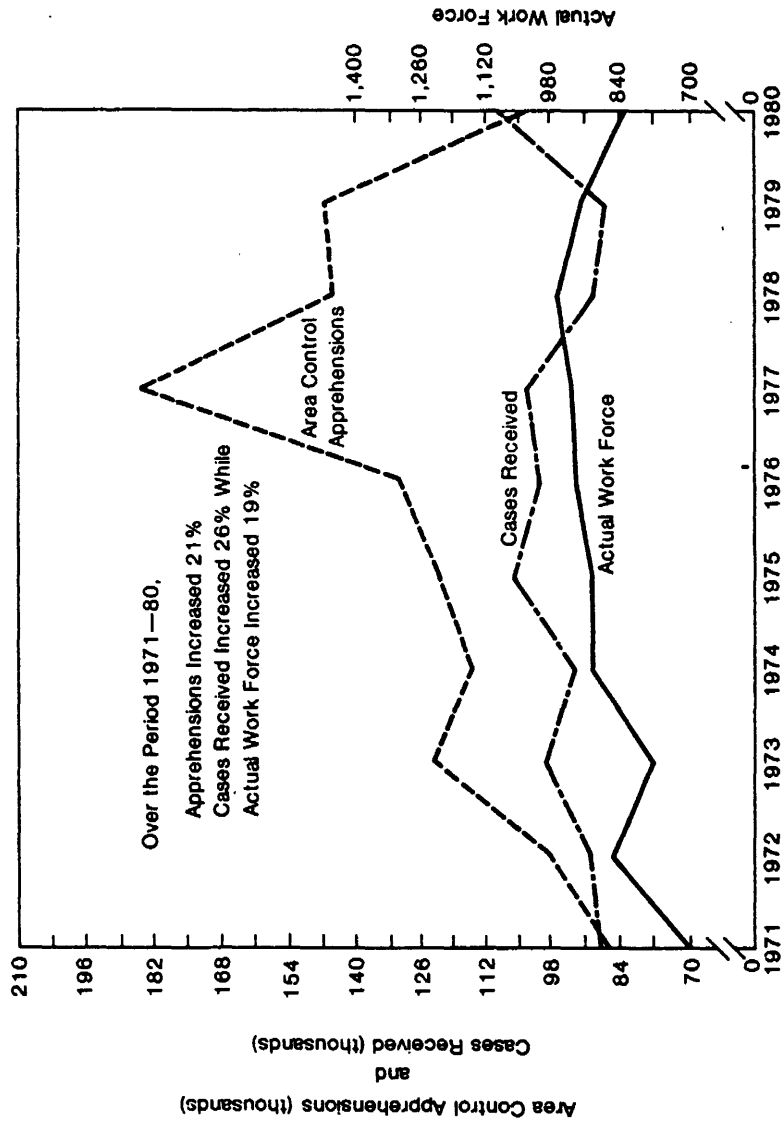
NATURALIZATIONS



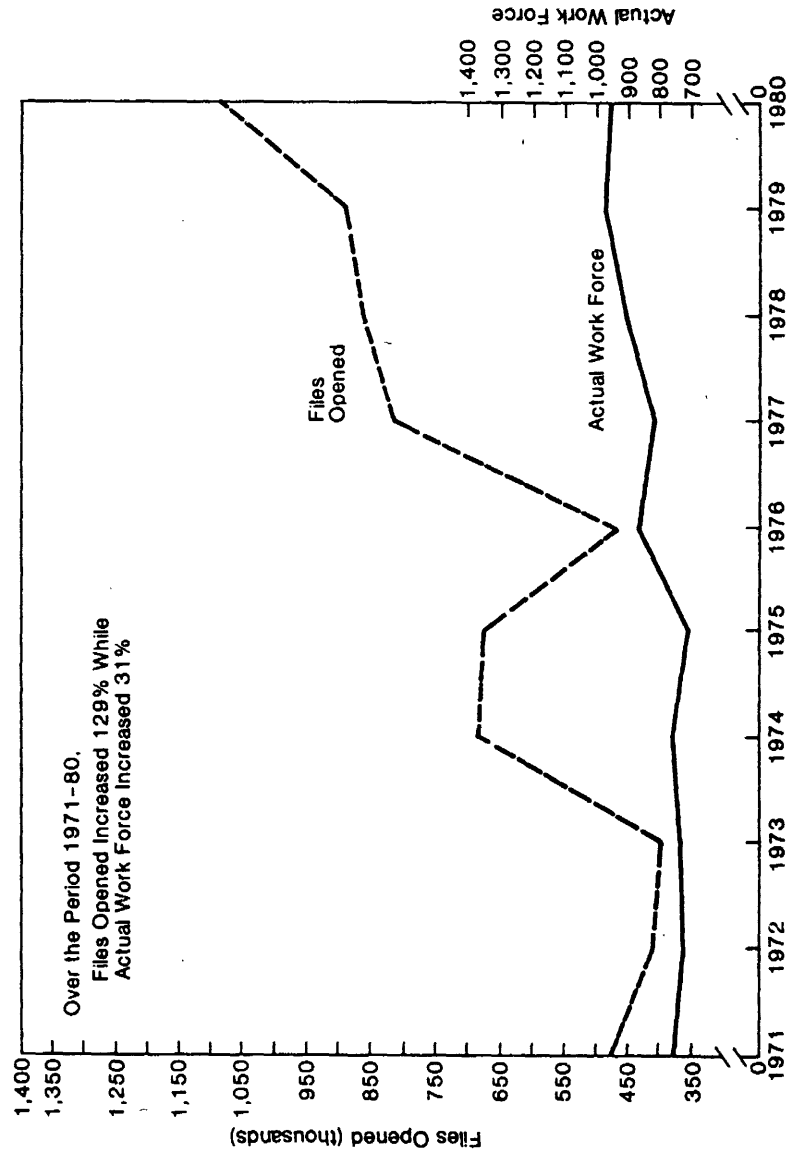
ADJUDICATIONS



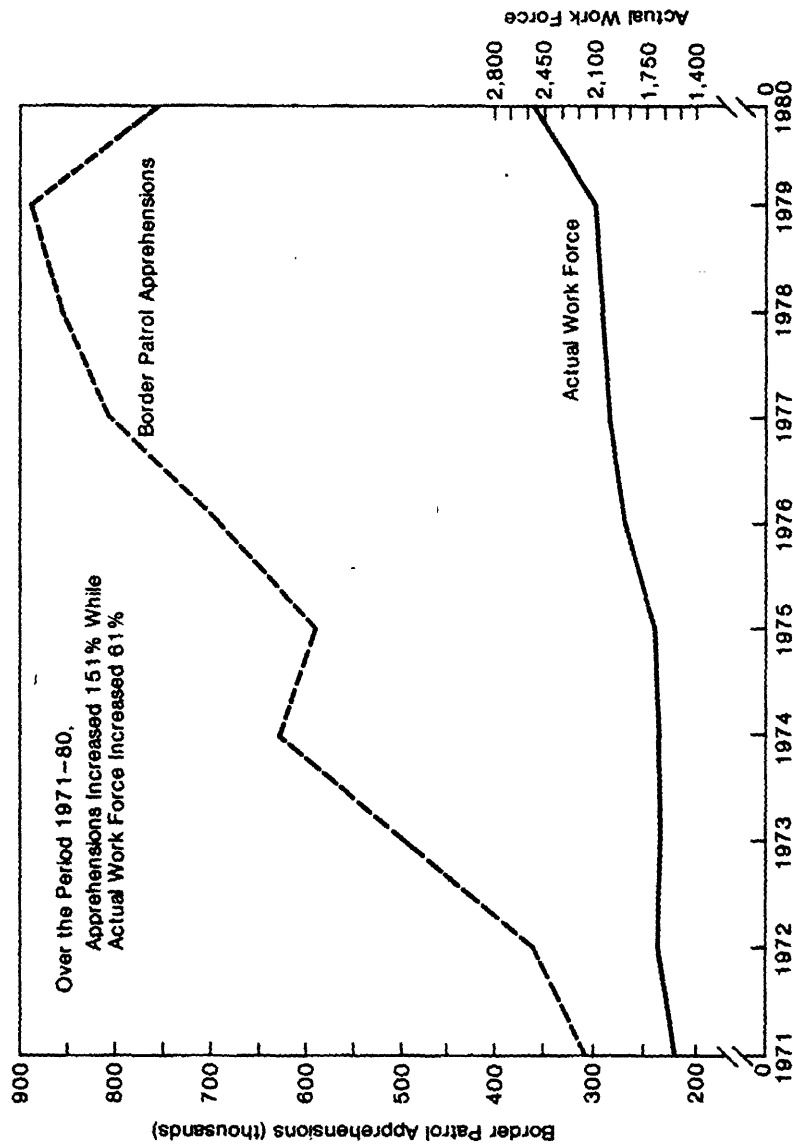
INVESTIGATIONS



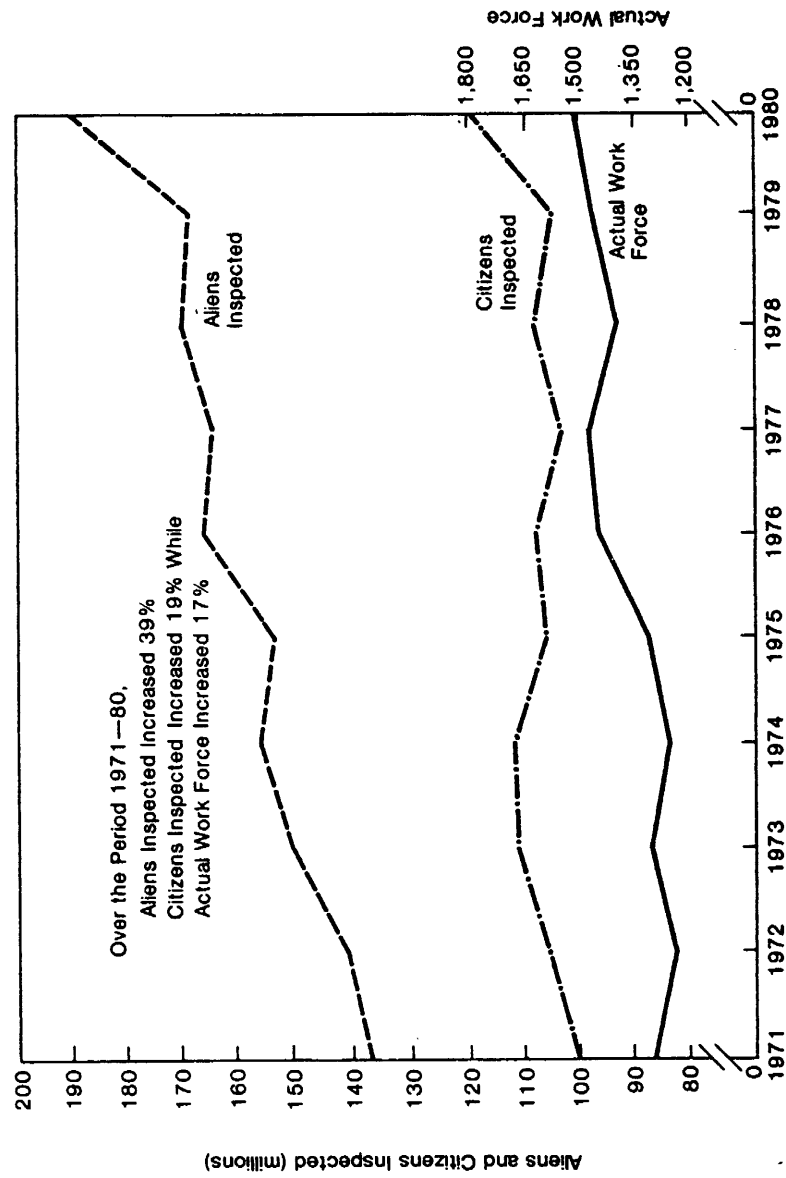
RECORDS



BORDER PATROL OPERATIONS



INSPECTIONS



Mr. CROSLAND. I have with me Mr. James Kennedy, Acting Comptroller, Immigration and Naturalization Service, and members of the management team who are responsible for the development of various programs within the Service, and I will call upon them as needed.

Also, Mr. Kevin D. Rooney, Assistant Attorney General for Administration, is present with his staff people, and will provide additional backup.

We are asking for less money, as you stated, Mr. Chairman, and fewer positions, and I think it fair to state at the outset this is done in the spirit of the new Administration's effort to combat inflation.

Additionally, the President has appointed an interagency task force for the purpose of studying immigration issues and making a report to him.

The task force is headed by the Attorney General, and the report is expected to go to the President sometime in May, so the new Administration will present its views on various issues of immigration policy probably in the early summer, if not before.

The Attorney General has previously stated at hearings that after a review by the interagency task force he may come back to the Congress for an amended budget but at the present time this is what we are presenting.

During the last year I think probably more attention has been focused on the Immigration and Naturalization Service than any time during its 90 years of existence.

IRANIAN CRISIS

The Iranian crisis started off in November of 1979 with hostages being taken in Iran and the Immigration and Naturalization Service was called upon to determine which Iranian students were in status and which were out of status.

As you may recall from having read press reports, we were not able to tell how many Iranian students there were in the country. We don't have an automated system that can respond quickly to those simple questions.

Through a period of six weeks we interviewed some 67,000 Iranian students either on college campuses or at INS offices and started the long, slow process to expel those students who were not entitled to be in this country.

The Cuban influx began in April of this past year and in a period of some two months we had 125,000 Cubans come to this country.

CUBAN ENTRANTS

They came in some 2,000 boats, and we are now going through the long and tedious process of finding the captains of these boats to file criminal charges against some of them and seize a number of boats.

We were hampered somewhat in the prosecution of these captains inasmuch as the Federal District Court ruled that if a person didn't make a surreptitious entry, we couldn't prosecute him criminally. This is being appealed.

This past year for the first time, this country became a country of first asylum. We have 125,000 Cubans, most of whom came

seeking asylum. In excess of 30,000 Haitians are here, probably 40,000 now, who have been coming since 1972. Most of them have claimed asylum. In addition, we have thousands of Nicaraguans, Salvadorans and others.

We have a system for granting asylum which originated in the fifties when there were a few defectors coming over from Eastern Europe. The system is not built to handle this kind of caseload. In this case most of the people are in Miami so it is up to the district director and some five Immigration officers to make determinations as to whether these persons are qualified.

The Immigration and Naturalization Service is controlled by the Immigration and Naturalization Act and also the appropriations and authorizations. I think during 1981 there will be a major review of the Immigration and Naturalization Act which will draw upon the crisis we experienced in 1980, and proposed legislation which will streamline the system and make it work where it hasn't worked before.

BORDER ENFORCEMENT

I would like to turn briefly to some of the areas of operation of the Service. The Border Patrol last year apprehended some 759,000 people. In fiscal year 1979, we apprehended 887,000. I think it might be helpful as we go along to show you some of the charts. I believe you have copies before you.

Our apprehensions are down last year from the preceding year for a couple of reasons. One reason is that during 1980, a census was conducted, and, in the interest of not adversely affecting the census count, the Attorney General directed that we obtain search warrants before going into places of residence or places of employment. This, of necessity, reduced the number of activities and searches that were conducted.

Also because of the Cuban crisis, not the Iranian one, we had a number of Border Patrol agents who were assigned to places other than border operations.

We had a couple hundred patrol agents in Florida and even today we have them at Fort Chaffee and some at St. Elizabeth's hospital who are safeguarding Cubans who have mental problems. The question of who should have the proper responsibility for this kind of security is under review, but the drawing away of those resources from the Border Patrol did decrease the number of people available for normal operations.

The bottom line is that the Border Patrol has done rather well in spite of remaining essentially the same.

The number of apprehensions have increased and that is largely through better management and better use of our resources over a period of time.

APPREHENSIONS

Mr. SMITH. Your apprehensions went down last year.

Mr. CROSLAND. That is right. That was because of the restrictions during the census. We were required to get a search warrant to go into a building or onto a farm. The fact is we had a number of Border Patrol agents who were transferred elsewhere.

There is another factor, too, perhaps. There is some speculation that of the apprehensions we make, we often apprehend the same person. We catch them and send them across the border and the next time they come back, we don't recognize them so we count them twice.

INTERIOR ENFORCEMENT

Some of the people got all the way in and weren't caught and by investigators who were also involved in the Cuban and Iranian crises especially, so they didn't get sent back and weren't caught again. That may account for part of that.

Last year, in investigations we had a dramatic drop in the number of persons who were apprehended. The search warrant policy affected the investigations program most drastically as you can see.

Also, we had investigators who were assigned to camps to interview Cubans as to criminal activity, and many of the people who are in Federal prisons are there as a result of the work of the investigators.

The investigators work on area control that is, looking for people who are working illegally or who are in the country illegally or they investigate petitions of one kind or another to address the status of aliens. We show the percentage of work done in each category.

With investigations the workforce has remained roughly the same, and, again, except for this past year when we had the dramatic drop because of the search warrant restrictions and the Cuban and Iranian problems, the apprehensions have gone up rather dramatically.

We are trying through management improvements to refer fewer cases to investigations from adjudications where people file a petition to adjust to permanent status.

There is some concern, that in the past, adjudicators were perhaps not as well trained as they might be, and in order to get a case off the desk, they referred it to investigations rather than having it reviewed by someone with more experience.

We have set up methods to address the problem of case management within adjudications. As a result we may have fewer cases going to investigation and, therefore, next year we will have last year's caseload or higher.

Mr. SMITH. What percent of apprehensions are men?

Mr. CROSLAND. I am not sure if we have that at our fingertips. About 90 percent, I am told. Most of our activities are directed at places of employment in the country and, therefore, you are looking largely at a male workforce at the job entry level.

Mr. SMITH. If 90 percent are men, does that indicate for example, that possibly 80 percent intend to return back to their country?

Mr. CROSLAND. Eighty percent—

Mr. SMITH. I was just using that as an estimate. Does that mean that most of them intend to go back?

Mr. CROSLAND. There is a lot of speculation as to whether folks come here intending to stay or not. There is not a whole lot of hard evidence on it. I have talked to people as they were apprehended, whole families who come across who came here to live for nine

months. They come over in January, and work until about November.

Mr. SMITH. If the whole family comes, I can understand that but when it is just the man.

Mr. CROSLAND. A lot of them don't really give up their allegiance to Mexico and go back, but for all practical purposes, their livelihood is from here and they work here nine months of the year.

Our figures as to why they are here and whether they intend to stay are somewhat soft. We don't know how many illegal aliens there are in the country. We know our apprehensions go up each year and we know that the apprehensions increase right after Christmas, suggesting the seasonal influx of people and they decrease before Christmas, going back to Mexico.

HAITIAN ENTRANTS

Mr. SMITH. What percentage are from the islands off to the southeast as compared to Mexico?

Mr. CROSLAND. I can't tell you percentages. I can tell you that the number of Haitians is about the greatest. Last year they began coming in at around a thousand a month and in March to September it got up to 2,000 and then decreased. The weather was the deterrent there.

Since October 10, when the previous Administration adopted a policy of only initiating proceedings against those who came subsequent to October 10 to allow Congress to decide what to do with those who came before, 6,000 Haitians came in by boat and another 5,000 walked in off the street to get work permits—11,000 since that time.

INSPECTIONS PROGRAM

Last year we inspected 309 million people. That is the equivalent of inspecting 1½ times the United States population. We expect the inspections to go up this year. The aliens inspected, as you can see from the chart, have increased rather dramatically since 1971 although citizens inspected remain about the same.

Mr. SMITH. What do you mean by inspection?

Mr. CROSLAND. At land ports and airports we have Immigration inspectors. They perform a different function than do the Customs people. Our people interview people coming into the country to determine whether or not they have the right documentation, whether or not they are entitled to come here, whether or not the documents might be fraudulent, and so we inspect citizens and non-citizens alike, immigrants and non-immigrants alike.

We have tried and are trying through management techniques to improve the efficiency of the inspection process by using profiles. With a decrease in the resources we might look at closing some of our land ports on the northern border where the flow is much lighter than the southern border.

Obviously, this has implications since any time we have talked about that in the past, the Congressmen representing those districts were very concerned about the trade that comes across the northern border even though it might be slight.

We have set up citizen bypass lanes so citizens go through one lane and non-citizens through others.

We have experimented with, and are using in some places one-stop inspection, where Customs and INS are cross-trained and perform the same function standing together so a person is inspected one time.

There you do deal with the problem of the configuration of the airport which is not built to accommodate the concept of one step inspection.

Miami has increased from one million people to 2½ million people inspected per year in ten years. Inspectors have not increased in the same proportion. In order to avoid long lines, we have to come up with newer and better ways to inspect people.

So we are cross-pressured between how much inspection is needed to screen out people who should not be here against the concern of people who have to wait for hours in line to get into the country.

We may be looking at stamping non-immigrants with a three-month permit on an automatic basis because most people who are non-immigrants and request extensions get them.

We have develop profiles for checking on certain kinds of high-risk people. Obviously, a businessman flying from Montreal for three days does not represent a risk to this country.

INSPECTIONS TRAINING

Mr. SMITH. What kind of training do you have for these inspectors?

Mr. CROSLAND. They go through a school at Glynco, Georgia and we have temporary inspectors who are trained before they go on the line.

Mr. SMITH. Does the training include instructions on being polite?

Mr. CROSLAND. It does.

Mr. SMITH. And making a good first impression on people?

Mr. CROSLAND. It does. We get complaints about people not being polite. We try to set up a system that makes inspectors more accountable. Anyone in uniform with a name tag, is more accountable.

When employees answer the telephone they are to identify themselves by name so the person making the call knows to whom they are talking. It creates a more human element.

Mr. SMITH. Everyone says the first thing you notice is how rough and gruff inspectors are and it just makes you feel like you are not welcome. I did have one unpleasant experience.

We were flying from England into Dulles Airport but stopped in Boston. There were 39 people on the plane and it was raining. One woman had a couple of children. They made everyone get off in the rain and go inside a building so an inspector sitting in the booth could look at our documents.

He could have just as well gone out to the plane and gone down the aisle but he wasn't about to do that.

Those are little things that really do create a wrong impression.

Mr. CROSLAND. I don't deny there are some people who need a lot more work on how to be polite and kind. We try to set up a system so people will appreciate that it makes it better for everybody if they are polite; and they are accountable if they are not. If some-

body put the bus driver's name on the bus, you would have a lot more polite bus drivers. I think if people know who you are there is less chance of them being impolite.

General observation shows they work hard and are under a tremendous amount of stress. All airlines want to come at a certain time because it is more convenient for them so you have a peak period. The peak period is about 12 hours now. The Civil Aeronautics Board is adopting a policy of opening up the skies so more and more airplanes are bringing more and more people.

We have the idea of having Immigration inspectors abroad. We have them in Canada. We went to Ireland and we had the idea of having them there, perhaps in Germany and England also.

If all those people could be screened in Ireland that might cut down on the number of airports where we would have to inspect people coming in, and we could concentrate our resources at a few airports in this country. That is something that is still being looked at.

USE OF INSPECTORS FOR ADJUDICATIONS

Adjudications last year had an excess of two million petitions. I might say for adjudications, completion of those petitions are pretty high, but 40 percent are handled by inspectors at airports when they are not inspecting people.

When airplanes are not coming in, rather than people sitting around reading books, we have them working on routine kinds of petitions to change status. Forty percent of this workload is handled by them. That is an example of trying to become more efficient with the resources we have.

We set up one-stop adjudications in offices around the country so that some kinds of petitions could be adjudicated there when the person comes in. We are experimenting with all kinds of petitions being adjudicated as they come in.

The theory is, given the somewhat archaic filing system we have, and the lack of automation at this time—although we are working toward that—we will have less of a chance of a file getting lost if we get it all done right there at the time of application rather than sending it out for others to do. So we would be having less contact with the person fewer numbers of times with everything being done right at that time and cutting this down on the workload.

Adjudications and naturalization are areas that tie in very directly. As soon as we adjudicate someone who becomes a permanent resident, they file petitions to bring in their relatives, so that increases the backlog further.

Then when they become eligible for citizenship and are naturalized they can bring even more relatives into this country. The more we do, the bigger the workload we get through the adjudication process.

We are looking at setting priorities so that given the resources we have, only certain kinds of petitions will be adjudicated first. Close family relatives would be adjudicated but others, because of the backlog, might have to go to offices abroad. There is perhaps thought of amending the Immigration Act so it would be as it was prior to 1965 when people had to go to a consular office abroad to petition rather than having some adjudications handled in this country.

In Naturalization we had 316,000 applications last year. We have 113,000 pending now. I think you can see a pretty good example of a relatively level workforce keeping up with the workload.

Although people complain that they have to wait a long time to become naturalized, the numbers of receipts and the numbers of completions of receipts has stayed parallel and continued to go up dramatically.

EFFICIENCY LEGISLATION

We have the Vietnamese becoming eligible. This budget is offered in anticipation that the change in the law will be made to eliminate the two-witness provision; that is, eliminate having a person seeking naturalization getting two people to come in and testify as to character. We can do it by affidavit. If we eliminated that provision alone it would increase our efficiency by a third in Naturalization.

We would like to explore the idea of administrative naturalization, to speed up the process but not take away from the dignity of becoming naturalized.

I mentioned some of the management efficiencies that we tried to do in the past and are still doing. One of the major efforts we made last summer in looking toward long range automation was to get INS personnel from all over the country down to Glynco to go through each program to identify the areas in which we need to have more information about and those in which we need less information and who else needs to share that information: other agencies, the public and so on.

We have set down on paper our mission statement and goals which are required by the automation people and by the law and Congress. We have identified strategies to try to reach those goals, whether it be in enforcement through investigations or Border Patrol or in adjudication and adjusting petitions or naturalization.

CHANGES IN BORDER PATROL OPERATIONS

In the Border Patrol we have tried to reduce the number of cars in the field by having two agents to a car. This cuts down on the possibility of violence to our own people and helps where a person gets out of line and he doesn't feel he has the support he needs. He has some psychological backup as well as physical backup.

We have overlapped reporting times for Border Patrolmen so one shift doesn't all come to work at one time and require more cars. We have a four o'clock shift. Another shift will come at 6:00 and they go off at 12:00 and 2:00. That way we always have people on the line but don't have two full shifts on the line as we have had in the past. That has cut down on overtime.

We are using horses for the first time in 20 years. They are working quite well. We have them in Arizona. We started there actually because the Cactus National Park prohibits motorized vehicles, including vehicles for law enforcement officials.

We are using motor bikes and trail bikes in some places.

We set up a motor vehicle task force and have submitted to the Justice Management Division a five-year motor vehicle plan which will actually call for the reduction of 300 vehicles. That is being done through planning by people who use the vehicles, so we are

not sending out four-wheel drive vehicles to places where they don't need them or a high-speed chase vehicle when they may need only a Pinto to get to an inspection point.

Through the use of expertise of the people in the field we found we are able to do our planning better.

INVESTIGATIONS

I mentioned we are assigning less casework in investigations. We are making better use of investigators. In Los Angeles we had a situation out there about a year ago where the investigators all reported to work at a certain time each day, all left at a certain time and they worked in a large team. There would be raids on factories and they would map out charts on the factories. Apprehensions were not particularly great. Everybody knew they worked five days a week and knew the hours and there was little deterrent.

They reorganized the use of the investigators into two-man teams, who went to small places of employment and they were all over the Los Angeles area. Apprehensions went up and the deterrent effect also went up.

We did get some bad press in one instance where we went into a housing project, and I talked with some editorial writers with a newspaper there. They were wondering who asked us to enforce the law in this manner, and where did we get our complaints?

I asked our office to do a little study. In three months we had 3,000 complaints and 90 percent of those came from hispanics, Mexican Americans, and U.S. citizens living in this country who were concerned about illegal aliens coming in and taking their jobs or overcrowding their housing complex.

Rather than organizing as a middle income group might do and going to the zoning board and complaining, they called us. They were the people who were being displaced at the job entry level, not the middle income.

REPROGRAMMING

In the last year and a half since I have been Acting Commissioner, we have gone through some rather major reorganizations. We have created an Office of Comptroller which we did not have before. Budget and Finance are under one office. We can tell you how much we have spent at the end of the month—rather than waiting for an annual system to tell you—we can tell you how much we have spent after three months.

We have gone to a clear line of authority so it is clear the program managers in the central office don't give orders to those in the field but work on programs and advise the Commissioner on developing policy.

The Regional Commissioners direct the implementation of the policy and the sector chiefs in those regions report to them so we don't have a situation as we had at one time where there was leap-frogging of regions down to the district and sector chiefs.

I think it worked reasonably well during the Iranian crisis and also the Cuban crisis.

Rather than continuing, I think it is now time for me to respond to any questions you might have.

IRANIAN CRISIS

Mr. SMITH. If there were another Iranian crisis like the one we had in November of 1979, would you be able to respond more quickly to a request as to how many Iranian students there are in this country and where they are located?

Mr. CROSLAND. I think so. We have set up a control system so that all Iranians who arrive in the country are reported as they arrive. They are all put through secondary inspection.

We couldn't for persons who are not Iranians now. We can for them because we set up a manual system which gave us that information but we cannot punch a button and receive an instant response.

Mr. SMITH. Will you be able to do that for everyone in the foreseeable future?

NON-IMMIGRANT CONTROL

Mr. CROSLAND. We have a plan now that is going through the necessary steps toward automation. The estimate is that it could be anywhere from four to seven years before we are completely automated, that is, where we have all of our automated components working together and in place.

Congress authorized money last year for a study which is being completed by Price Waterhouse on non-immigrants. That study looks to what kind of control we are going to have on non-immigrants in this country, what kind of information we want to be able to get quickly on non-immigrants and it really involves an Executive Branch decision as well as Congressional determination as to how open a society we want to be.

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

On that particular point, automation, do you have enough in this year's budget to stay with the target date for completion of the automated system?

Mr. CROSLAND. There is a hold by the Brooks committee on money funded by Congress two years ago for what we call minicomputers. The Brooks committee said they were concerned that we were proceeding without adequate study, after five years and \$25 million, we might have had a system that was useless and didn't have the growth potential to absorb other information we might need.

I agreed with their concern and so we reversed our system plan and abandoned the minicomputers. We have enough money for what we are doing now. We will come back later asking for more money when we know what kind of equipment we want to get.

Mr. HIGHTOWER. Actually you are not asking for any money for hardware now. All the money you are getting is for the Price Waterhouse study.

Mr. KANE. We have some equipment which we purchased for automation. We are asking for \$12,400,000 this year for fiscal year 1982 to support our current level of automation. We have a number of automation activities underway in the Service which will require this amount of money.

Mr. HIGHTOWER. How much of that is for hardware?

Mr. KANE. We use the Justice Department computer.

Mr. HIGHTOWER. So actually none of it is for hardware?

Mr. KANE. We pay for services, \$4 million of this goes for payment to the Justice Data Center.

Mr. HIGHTOWER. Purchase time?

Mr. KANE. For purchase time.

Mr. HIGHTOWER. So \$4 million of the \$12 million is to purchase time on the Justice Department's computer?

Mr. KANE. Yes, and we have some word processing equipment spread throughout the Service that is hardware. That represents about half a million dollars.

We also have six minicomputers still in operation, we lease those.

Mr. HIGHTOWER. The point I am trying to make is you are not buying hardware to solve the problem of monitoring aliens in this country. What you are doing is feeding the little information we have into the computer system you are buying time on from the Justice Department.

Is that a fair statement?

Mr. KANE. Yes.

Mr. HIGHTOWER. Upon completion of the Price Waterhouse study, do you think you will purchase more hardware such as a larger computer?

Mr. KANE. It is too soon to tell. The Price Waterhouse study fits into the other portion of our long-range ADP study that is ongoing now. That study is due out to the Congress in September. That is going to forecast our future needs.

Mr. HIGHTOWER. What you are doing now is not something that will be thrown away later. It is information that is needed now and it is information that will be adaptable to whatever system you later employ.

Mr. KANE. That is right, Mr. Congressman.

All of the current activities that we are working on now, what we call our current automation activities, are pieces that fit into the long-range plan.

IRANIAN STUDENTS

Mr. HIGHTOWER. Thank you.

Mr. Crosland, did I understand you to say that you do have all the information that might be required about the residence and status of all Iranian students in this country?

Mr. CROSLAND. I wouldn't go quite that far. I would say for the simple question of how many Iranian students do we know are here, that we capture that information through actually an interview, with the students, and we have a soft estimate of about 10,000 who didn't report—soft, because we don't have a non-immigrant departure control system in this country.

We have had, since the Iranian crisis, a system for Iranians only but before November of 1979 we had none at all.

When a person leaves the country his travel document is given to the carrier and the carrier gives it to INS, and we then process it. If the person doesn't surrender that travel document, the only way we have to penalize the carrier is to fine them ten dollars. That would mean going to the country they went to and getting a

statement that they had the document and nobody asked for it, so in effect we don't have a system of departure control.

Mr. HIGHTOWER. Have you asked for some legislation to fill that gap?

NEED FOR LEGISLATION ON NON-IMMIGRANT CONTROL

Mr. CROSLAND. I think the study is the first step. It is looking to what needs we can meet with our present system, and it will be the basis for policy decisions that need to be addressed by the Congress and by the Executive Branch as to how much further information we need and, therefore, how much control we need of non-immigrants in this country.

Mr. HIGHTOWER. But actually—

Mr. CROSLAND. So we have not asked for legislation.

Mr. HIGHTOWER. Actually we really do not know how many Iranian students are in this country because we had no way of knowing how many were here in 1979. If they had not checked in or if they had not come to your attention in some way and they are still here, they are not counted.

Mr. CROSLAND. I think we have a range that is pretty safe of about 10,000 who didn't report. We apprehended 3,000 people who didn't report, so there is somewhere in the neighborhood of 7,000 Iranians remaining.

Mr. HIGHTOWER. Wasn't summary action taken on those who didn't come in?

Mr. CROSLAND. All were put into deportation proceedings.

Mr. HIGHTOWER. Of all of those, were all of them sent back?

Mr. CROSLAND. No, sir. They are in various stages—they were put in deportation proceedings. Some voluntarily left after they were told they were going to be deported.

Mr. HIGHTOWER. Would you furnish for the record the status of those that are here and of the deportation proceeding and how many are at the various stages?

Mr. CROSLAND. I will be happy to.

[The information follows:]

IRANIANS IN THE UNITED STATES

There are approximately 64,300 Iranian students in the United States, of which 63,719 have been interviewed. Of the students interviewed, 7,554 were found to be illegally in the United States. An additional 13,648 other Iranian nonimmigrants were located illegally in the United States.

1,265 Iranians have been restored to nonimmigrant status as the result of deportation hearings. Of the 3,016 Iranian students who have applied for political asylum, 7 have been granted and 7 have been denied.

Total verified departures of Iranians under docket control since November 3, 1980 is 1,972 verified departures and 386 deportations.

1931 ACT OVERTIME

Mr. HIGHTOWER. What is the status of the legislation to repeal the 1931 Act mandating inspection over-time requirements that you mention on pages 2 and 3 of your justifications?

Mr. CROSLAND. I don't know what the status of the legislation is right now. The budget anticipates repeal of that legislation.

Mr. HIGHTOWER. But it has not been introduced as far as you know?

Mr. CROSLAND. Not by this Administration, no.

Mr. HIGHTOWER. So we are going to have to look at that again?

Mr. CROSLAND. The proposal is under development.

Mr. HIGHTOWER. So your budget requests are based on what you hope will be introduced and passed?

AIRPORT INSPECTIONS PROCEDURES

Mr. CROSLAND. Yes.

Mr. HIGHTOWER. How do you plan to streamline airport inspection procedures to compensate for the reduction in border personnel?

Mr. CROSLAND. Through some of the methods I mentioned a while ago using citizen bypass, creating a one-stop inspection where we can, even though the configuration of the airport is not conducive to it, planning in the future for construction for one-stop inspection, using certain lanes where you have multiple flight arrivals for close inspection of those persons coming from countries where we know we had a high fraud rate.

Mr. HIGHTOWER. Are we getting cooperation from the airports in making these necessary changes?

Mr. CROSLAND. I think so. I have been meeting since January of 1980 in Miami about every six weeks with airport authority people, Customs Commissioner, Chamber of Commerce and the carriers, to discuss problems, so we are all in the same room and it makes it more difficult for somebody to point at the other fellow.

Part of the problem is getting the baggage there in time. We can inspect but if the baggage is not there Customs can't check it. Part of the problem is the timing of flights.

INTERIOR ENFORCEMENT

Mr. HIGHTOWER. I understand some of those problems. On page 7 of your justifications you mention interior enforcement activities are unproductive. Could you comment on that?

Mr. CROSLAND. I am not sure where that is.

Mr. HIGHTOWER. Would more money mean long-range ADP plans could be implemented more quickly?

Mr. CROSLAND. Let me back up to the previous question. I found the place. A reduction of 46 work years and \$863,000 is requested for this program compared with area control. The case work portion of this program is unproductive based on number of deportable aliens located.

That means the people assigned to casework don't net that many people to warrant the number of people assigned to casework, and they are more productive if they are assigned to area control operations—going to places of employment, not checking out whether somebody has a valid marriage or not.

There has to be a balance there so you are not letting everybody who is in the country file some sort of bogus petition, but you don't want to over-investigate a case when you might be able to make certain conclusions with a limited amount of investigation.

ADP RESOURCES

Mr. HIGHTOWER. I will repeat the other question. Would more money mean a long-range ADP plan could be implemented more quickly?

Mr. CROSLAND. As I understand it, in the ADP process, we have a labyrinth of regulations and laws to go through now to ensure that we are getting the right kind of equipment.

Congress has been concerned in the past that many agencies have spent a lot of money and been impressed by the razzle-dazzle of computers to find out they have the wrong equipment. It is putting the brakes on, saying, "let's go slowly and make sure you get the right kind of equipment for what you need."

We will have some interim automation in a year or so for naturalization and deportation records but I don't think that more money right now will speed up the process. Right now we need to show that we are planning properly and then the money should flow from that exercise.

HAITIAN EXCLUSION HEARINGS

Mr. HIGHTOWER. Could you tell us how many exclusion hearings for Haitian aliens arriving after October 10 are backlogged at the present time?

Mr. CROSLAND. We have about 6,000 subject to exclusion hearings and I don't know how many of those hearings we have held.

Mr. HIGHTOWER. Are they all being held in the Miami facility?

Mr. CROSLAND. They are all in the Miami area but not all are in detention.

Mr. HIGHTOWER. Do you feel that the government of Haiti is encouraging this process of immigration? Are they doing anything to try to stem the tide?

Mr. CROSLAND. As you know, the government of Haiti is a terribly poor one.

Mr. HIGHTOWER. And a terribly poor government.

Mr. CROSLAND. They don't have a navy, they don't have much of an army. A lot of people are leaving from an area which is the least populated, the northern area away from the seat of government. I don't think you could characterize it as hindering or helping.

Mr. HIGHTOWER. We know that Castro emptied his jails and got rid of a lot of people he considered undesirable. Do we find a similar situation in Haiti?

Mr. CROSLAND. No. I think the people are coming because the economic conditions are very bad in Haiti and they want to come here to get work. Many people are coming from the Bahamas. Many have worked there for some time and economic conditions are not as good there as they used to be and so they are coming directly from the Bahamas.

CUBAN PROBLEM

Mr. HIGHTOWER. Mr. Crosland, I expressed some concern when Attorney General Smith was here the other day about the Border Patrol situation.

You mentioned in your initial comments the number of Border Patrol that left who were pulled away from the border to take care of the situation in Florida.

Are you back up to full complement along the Mexican border at the present time?

Mr. CROSLAND. No. I think we have 20 people detailed at St. Elizabeth's and I am not sure of the number—ten at Chaffee. That is not that great a number, 30. At one time, as I said, we had 200 people. We didn't detail any away from Chula Vista and we tried not to detail people from El Paso which is a heavy point of penetration. Most people cross at those two points.

BORDER PATROL RESOURCES

Mr. HIGHTOWER. We heard reports in Texas of Border Patrol that had to stand by and watch because they did not have the manpower to go out and apprehend during that period. We also heard reports they were not able to use their cars because they had used up all of their gasoline budget.

Is that true?

Mr. CROSLAND. I am not aware of people not being able to go out and apprehend, although if you go to Chula Vista it is almost like Red Rover. You can find 12 or 15 people waiting to be picked up.

There was a problem in the southern region only for a very short period in one sector, I think, in the allocation of funds, and that particular sector chief, as a management decision, tried to say we have to cut down by a certain percentage according to presidential directive on funds and set up some sort of formula which resulted in one month with some restrictions on how far they could travel in a day.

I didn't know about it until I read it in the paper. I called the Southern Regional Commissioner and corrected the situation but it was only in one sector in the southern region.

Mr. HIGHTOWER. And it didn't last long?

Mr. CROSLAND. It did not.

Mr. HIGHTOWER. As far as you know, no Border Patrolman is restricted in his activity because of his inability to get gasoline for his car because of budgetary restrictions?

Mr. CROSLAND. We are being asked to cut down on fuel consumption. I won't say that people cannot travel unrestricted anywhere they want to travel.

Mr. HIGHTOWER. I am talking about doing the job.

Mr. CROSLAND. I don't want the budget restrictions to sound like we are cutting off the elevator in the Washington Monument. Obviously, we have to have Border Patrol out there and doing their job.

Last year I set priorities for the Service to follow, given resources we have, to identify certain areas where we have to give most of our weight. It seems to me clearly we have to have strong enforcement on the southern border, and hiring people and getting them out and giving them the support we need. We have cars for them and fuel for them.

I don't think we are going to have a problem in that particular sector or that particular region.

BORDER RESPONSIBILITY

Mr. HIGHTOWER. Let me say I am sympathetic with the responsibility you have and I want to try to be helpful but do you honestly think that you can state that right now we have the number of people to carry out the statutory responsibilities of the Border Patrol in a good and efficient manner stationed at the border areas along the Mexican border?

Mr. CROSLAND. Under present laws——

Mr. HIGHTOWER. Well, now, that wasn't——

Mr. CROSLAND. That wasn't your question.

Mr. HIGHTOWER. No.

Mr. CROSLAND. Well, I have to answer that way. Under present laws I think if you want to say let's increase the apprehensions, if that is what you are looking to, we can increase apprehensions with more people and increase them by putting more people in certain areas.

Mr. HIGHTOWER. Under present law don't we have a responsibility to keep out illegal aliens—all illegal aliens?

Mr. CROSLAND. We have that responsibility.

Mr. HIGHTOWER. But do you feel we have the people and the facilities and the budget to keep out illegal aliens?

Mr. CROSLAND. I think we are doing a good job with the people we have.

Mr. HIGHTOWER. I agree with you, Mr. Crosland, on that, but are we able to carry out the mandate of the law to try to keep out the illegal aliens?

Mr. CROSLAND. I am not trying——

Mr. HIGHTOWER. I understand your problem.

Mr. CROSLAND. The problem is not strictly a law enforcement problem. There are lots of laws on the books that are not prosecuted because of lack of resources.

Mr. HIGHTOWER. That is exactly my question.

Mr. CROSLAND. They can't prosecute every violation they have. I think one in five smuggling cases are prosecuted in Chula Vista. They wouldn't have enough jails to put people in so they make certain decisions based on their resources.

You are looking at a drawing card. What draws them here is jobs, and this Administration is right now looking at all the various immigration issues that are involved, including that.

Mr. HIGHTOWER. But you see we are talking about excuses. We are talking about justifications for why they are here. I understand that.

But I really believe that if we are going to address this issue, we are going to have to get hard-nosed about keeping illegal aliens out and then when we do that, the pressure will mount to find answers to some of these other problems.

I think as long as we say, as I think we can probably say, we have a fine bunch of people here doing the best they can, they are to work their shifts and catch those they can and those they can't, why, we are not going to worry about—I don't think we are ever going to solve the illegal alien problem.

But when you come to Congress and say, if you will give us 500 more people and X more dollars, we will enforce the law that you give us, then I think we will be well on the way to getting it done.

I believe that we need to have an immigration policy in this country. I think that is one of the biggest tragedies right now that we don't have an immigration policy.

We haven't told I&NS, you must keep these people out, and we will see you have the funds to do it.

We are just begging the question all over the place and yet we are creating tremendous social problems and we are asked to find money in other places to address these social problems.

Let's get to the root. I know your agency has the responsibility of carrying out the law and you don't have the privilege of making law but I think those of us who do have the responsibility of making law need to be impressed with the tremendous size of your job, what we are asking you to do and we are just giving you some popguns to do it.

I think it is our fault but we will just have to face up to it. That is the reason I asked the question so you would tell us, "Congressman, you are just not giving us what we need to do the job. You are asking us to do an impossible job."

Mr. CROSLAND. It takes two to tango. We go through a rather convoluted budget process and what I present to you today is the result of that process.

INTERAGENCY TASK FORCE

Mr. HIGHTOWER. Yes. I understand that. But I was just asking for your personal opinion about whether we are really going to try to do all we need to do or are we just going to say we are going to allocate so much money for this and use it as far as it goes, we will catch as many as check in, and we will keep the shop open from 8:00 to 5:00 and be satisfied with that?

I hope that is not where we are.

Mr. CROSLAND. I hear what you are saying. I have been involved in the task force deliberations, and I am hopeful this Administration will present, and I am confident they will present, a proposal to the Congress addressing various issues, law enforcement and non-law enforcement issues in immigration, and will have with them the resource allocations that are needed.

Mr. HIGHTOWER. If we approach all of our problems saying we are going to decide first how much we will spend and then decide how we are going to write the laws to fit that amount of money, then I don't think we are ever going to get the problem solved—not this particular problem.

Thank you, Mr. Chairman, I apologize for taking too much time.

EMPLOYER SANCTIONS

Mr. SMITH. Unless or until we pass a law that penalizes employers who employ these aliens, will additional funds and personnel result in fewer illegal aliens actually being in the country?

I am not talking about apprehensions, those you apprehend three or four times, but will there actually be fewer illegal aliens in the country?

Mr. CROSLAND. I think any law enforcement agency can represent honestly that if they had more resources they could do more. We are no different. We could clearly do more in some areas; not

in all areas. There is a 2,000-mile border. Most people come in at two points.

Mr. SMITH. Wouldn't there be a significant number we could keep out if you had additional personnel?

Mr. CROSLAND. I think through a combination of increased resources at the border and in the interior there could be increased apprehensions.

However, the interagency task force will address that issue and these issues have been kicking around for a long time. I think there is a short turnaround period as to what the Reagan Administration position is going to be, with a statement as to what the resources will be.

Mr. SMITH. Mr. Dwyer.

Mr. DWYER. Thank you, Mr. Chairman.

FRAUDULENT GREEN CARDS

You mentioned a fraud rate before. Would you care to comment on that? Are these fraudulent visas or student cards?

Mr. CROSLAND. Some people come in with fraudulent cards. It is a big business in some areas. In Mexico it is not too difficult to come in with social security and your green card already prepared or if you don't have one when you get there, it is not too difficult to get one.

When people come through land ports or airports where they are inspected, some people come in with fraudulent cards. Our people in a short period of time have to look at it and see whether it has been tampered with, whether the passport picture is actually the person or whether a substitution has been made.

Mr. DWYER. Is Mexico the only country where this is indigenous or are there a number of other countries that have a high fraudulent activity?

Mr. CROSLAND. There are countries other than Mexico.

Mr. DWYER. Does the fraud originate in this country?

Mr. CROSLAND. Oh, yes. I think we have people in this country who make their business out of giving or selling fraudulent documentation.

Mr. DWYER. Is that also in your area of responsibility?

Mr. CROSLAND. Yes.

Mr. DWYER. It is ongoing?

Mr. CROSLAND. It is ongoing. Also, the U.S. Attorney would be involved in that as well.

Mr. DWYER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

REFUGEE ALLOCATIONS

Mr. Crosland, you spoke a little while ago about the number of aliens and illegal aliens.

Could you describe the situation for us? Just where do we stand?

Apparently a Public Law we had approved would allow some 14,000 aliens per month from Southeast Asia. The Attorney General had the opportunity and the authority to allocate X amount.

Does the Attorney General still have that authority and where are we legally as to how many aliens can enter this country per year?

Mr. CROSLAND. Last year the Congress changed the law, the Refugee Act of 1980, which provided for a consultation process by the Executive Branch with the Congress rather than doing it as it had been in the past, having the Attorney General parole groups of people in.

Some 231,000 refugees were identified by country by the previous Administration who could come in during fiscal year 1980 if screened and approved and sponsorships were found.

Mr. MILLER. Would all of those be coming in under one law, or part under one law and part under another law to give authority to the President to increase the amount?

Mr. CROSLAND. They would all be coming in under the Refugee Act of 1980. The Secretary of State now has the major responsibility for identifying from which countries refugees will be coming. The consultation comes down to us.

Our role is more one of interviewing those people abroad to determine which people qualify to come into the country rather than identifying a broad group of people and the numbers of persons who would come in through the consultation.

OVERSEAS INTERVIEWS

Mr. MILLER. You are interviewing the aliens abroad. Did I understand that correctly?

Mr. CROSLAND. Yes.

Mr. MILLER. So you would have quite a few personnel out of the country most of the time?

Mr. CROSLAND. We don't have that many people. We rely, to a large extent, on help from voluntary agencies and from the State Department. Then our officers interview the individuals after the processing is done. The initial processing is done by the voluntary agencies and the State Department.

We have 123 authorized positions abroad.

Mr. MILLER. Are we selling the program? Is it like a radio advertisement, so the people in other countries know what is available in America and that we have housing subsidies and food stamps and we have health care? Are we attracting these people by the fact, that we have a good life?

We know that we have a free country but are we selling it? Are we harming our own citizens within the country because we do not have the resources to go around to these people. And our own? Do these people in Southeast Asia, or wherever they are, hear of our good life; the furniture, the housing or food stamps; and family health care?

Do we sell with that type of thing or do we use the Voice of America to tell them we have a limit? We are not going to be offering free houses, we are not going to be offering food stamps. America is great, but by the same token we are not going to be able to feed the world.

Do you have any input you could give to us as to how we could change the law? We could even give you people authority to advertise that America is great, but that we just can't handle everyone.

Mr. CROSLAND. I think what you have stated is a concern to a lot of people in this country. Most people who are disadvantaged would like to live in the United States. The State Department has estimated there are some twelve to fourteen million people in the world who could qualify as refugees, a large number want to come here, but a small percentage of that number are identified as the people who come here. Other countries take a few people but not nearly as many as the United States.

I think that is probably one of the things this Administration and this Congress will be addressing this year. How many people are enough? How many people can we absorb?

Mr. MILLER. You have a record then, I would assume, as to how many immigrants are allowed in other countries? I assume somewhere in your files you could find that, and I think if you could we could have that as a reference point and show how well or how badly we are doing.

Mr. CROSLAND. I think the State Department will have that information and I will be happy to pass your request on to the Department of State.

[The information follows:]

LONG-TERM IMMIGRATION ¹—COMPARISON OF IMMIGRANTS BY COUNTRY

Country	Immigration	Year
France.....	680,718	1973
United States.....	601,442	1978
Germany, Federal Republic of ²	498,667	1976
United States.....	460,348	1979
Mexico.....	283,728	1973
Australia.....	211,628	1974
United Kingdom ³	197,200	1975
Canada.....	149,429	1976
Italy.....	115,997	1976
Japan.....	40,179	1976

¹ Long-term immigrants are defined by the United Nations as persons who have entered the country with the intention of remaining for more than one year.

² Including short-term immigrants. Data are entries in the population registers and correspond to arrivals taking up residence. Visitors and persons living in hotels, boarding houses, etc., are only registered if they intend to remain for a period exceeding 8 weeks.

³ Estimates based on a sample survey of passenger traffic at air and seaports taken throughout the year, excluding all movements between the United Kingdom and the Republic of Ireland, also excluding Scandinavian sea routes.

Source: 1977 United Nations Demographic Yearbook.

PREFERENCE SYSTEM

Mr. MILLER. Then we would have a better understanding of what we are doing compared to other industrialized nations.

When you spoke of those people that may be eligible to move into the United States, who sets up the eligibility requirements?

Mr. CROSLAND. That would be the State Department.

Mr. MILLER. You do not have a voice in that?

Mr. CROSLAND. The numbers?

Mr. MILLER. No, the eligibility requirements. If two people from one small town want to immigrate to America, but only one can come, how do we decide?

Mr. CROSLAND. This does not deal with refugees. There is a preference system under the law which is somewhat complex but basically it is based on the close family relationships and certain

job skills a person may have and then it is on a first come, first served basis—who gets into the line first and how many numbers are available. It is handled by the State Department abroad.

JOB PREFERENCE

Mr. MILLER. When you speak of job preference, does the Labor Department become involved? I know they do when someone comes directly and requests that they come in because of a particular need—maybe it is a specialized need. But that is interesting whether the Labor Department gets involved in all of these overall immigration problems.

Mr. CROSLAND. They get involved in H-2 programs. Do you want me to address that. This is Andrew Carmichael, Acting Associate Commissioner for Examination.

Mr. CARMICHAEL. They get involved in those areas where the person's claim for eligibility is based on skills or professions, also as temporary workers who come to perform services of a temporary nature.

If the immigrant is coming on the basis of a family relationship and the relationship alone is sufficient to establish the preference required, I think that is what you were talking about.

Mr. MILLER. I was. I understand the Labor Department gets involved when someone is coming in with a specialized skill. Mr. Crosland had mentioned that was one of the factors in the formula to determine which one of these two from a small community would be admitted.

Mr. CARMICHAEL. They are not involved where skill is not the issue.

OVERTIME LIMITATIONS

Mr. MILLER. Would you give us a little more information about the overtime problem?

In another Appropriations subcommittee that I am a member of, the Customs Service comes to that particular subcommittee for justification of their budget.

We learned they had several inspectors in Customs who were making more than the Secretary of the Treasury. Therefore, we set a limit as to the amount of overtime that could be paid. That wasn't bad. That was just some \$20,000 a year overtime paid.

Mr. CARMICHAEL. We have a similar problem. The 1931 Act provides that persons who work on Sundays and holidays or any part of it are paid double time. We also have a cap of \$20,000 except where the situation is unreasonable and we are not able to control it.

What we have done is set up a system of controls so that if anyone reaches a certain level of pay during a particular pay period it will flag it and we will look at how much that person has accrued and then try to set up assignments in such a way that other people come on overtime so that this person does not exceed the \$20,000.

There are situations where that will go over. In Guam, for example, obviously it is a remote place and we need to have inspectors

there and it makes more sense to pay one person more than to pay a lot of people there who would not be used particularly efficiently.

Mr. MILLER. Is that Public Law or your regulation—the \$20,000 cap?

Mr. CARMICHAEL. It is part of the appropriations continuing resolution.

MIAMI DETENTION FACILITY

Mr. MILLER. You are involved in a \$6 million renovation outside Miami. The Corps of Engineers paid for that. Why would that not be in your budget?

Mr. CARMICHAEL. We had a problem that was so big with the Cuban influx that INS alone could not handle it. It took a multi-agency effort, and through the process of coordination by the Federal Emergency Management Agency and then the Cuban-Haitian Task Force, which is now housed in HHS, there were certain interagency relationships developed using skills that various agencies might have with some reimbursements here and there.

I am not sure how it came down to the Corps of Engineers.

Mr. BRIEN. The Corps of Engineers were involved through the Cuban-Haitian Task Force since they needed some expeditious moving on the project and the Task Force brought in the Corps of Engineers.

Mr. MILLER. They decided then to include that \$6 million in their budget cost?

Mr. BRIEN. That is correct, and the Corps of Engineers administered the funding of it and the contracting of it.

Mr. MILLER. Is that a permanent facility or a temporary facility?

Mr. BRIEN. That is a permanent facility.

Mr. MILLER. Are we expecting additional Cubans?

Mr. CROSLAND. We have been getting Haitians in and we wanted to be prepared in case additional Cubans came.

Originally the plan was to have this as a facility where any newly-arriving Cubans or Haitians, or any other group of people coming from the Caribbean, would be fed, clothed, inspected for health needs, and then sent to another detention area where they would be processed.

Originally the plan was to have it in Puerto Rico and through a series of lawsuits that plan was blocked. Right now it is the only facility that we have.

SEIZED VEHICLES

Mr. MILLER. In another area, you mentioned the new authority to seize vehicles of illegal alien smugglers. Are those vehicles sold?

Mr. CROSLAND. Yes.

Mr. MILLER. What happens to the money from the sales?

Mr. CROSLAND. It goes to the Treasury.

Mr. MILLER. It goes directly to the Treasury. Can you tell us how many are there? Are we talking about a few or large numbers?

Mr. CROSLAND. I don't have the number off the top of my head.

Mr. BRANDEMUEHL. I am Roger Brandemuehl, Assistant Commissioner for Border Patrol.

Last fiscal year there were 2,569 vehicles seized with an estimated value of over \$11 million.

Mr. MILLER. Do we have a lot of court cases pending because of this?

Mr. CROSLAND. The major court cases are those arising out of the seizure of the boats that brought the Cubans in. That is where the major legal challenges come from.

MORALE PROBLEM

Mr. MILLER. I see that you are bringing in the field personnel in the budgeting process, as you had mentioned. This apparently is very good. As I understand it, the morale of some in the field is pretty low for a number of reasons. I don't know whether it is overtime that creates problems that are not easy to solve.

I am not sure what all those gripes are, but is the Administration knowledgeable on this? Is OMB, when it comes to setting a ceiling, knowledgeable?

Mr. Hightower asked, if we are furnishing enough dollars for you to do the job? Is funding a problem as far as you are concerned? Does it produce low morale?

Mr. CROSLAND. If you measure morale being low as to whether people do their job and with spirit, it seems to me we have high morale.

Our folks work hard. They, for the most part, are honest, decent people who are concerned about bad press reports they read about INS—we are the guys that wear the black hats.

Mr. MILLER. Somebody has to play the part.

Mr. CROSLAND. That is right. The frustrations are here. The whole budgeting process is difficult to understand.

Even if you are in Washington it is difficult to understand and if you are out in the field and you see where one committee has authorized a certain number of positions and they are thinking they are going to get more positions and then another committee says no, you will get fewer positions and they all get lumped together with the crowd in Washington—I know the budget officer at OMB who works at the agency review is aware, as are our people in JMD, of concerns and misperceptions of the people in the field.

I think part of our effort is to bring about better communication to the field so the people understand what rationale is involved in asking for more or asking for less or denying somebody's request so that everyone feels a part of the same agency and team.

It is not an easy task when you have 10,000 people and some 35 districts and 20-some-odd sectors.

CENSUS RESTRICTIONS

Mr. MILLER. Your personnel could not go onto farms and into businesses, as I understand it, to check on illegal aliens until January of this year?

Mr. CROSLAND. They could do so as long as they had search warrants that were approved by the U.S. Attorney in their particular area. But there was a restriction from search until January to limit going into places of residence or employment without a search warrant.

Mr. MILLER. Some of your personnel, as I understand it, felt that was politically motivated.

Mr. CROSLAND. I am sure some probably did.

Mr. MILLER. We are not going to have a repeat of that. Do you feel they will be able to enter the businesses and the farms and the like, but is it necessary to have a search warrant every time?

Mr. CROSLAND. No. This was a policy which was directed by the Attorney General because of his concern that the census not be adversely affected. The census only comes once every ten years. Now it is over and behind us so it certainly will not be required henceforth.

The present policy is to require a search warrant going into a place of residence. That is not required by law but I think it is for the protection of our own people because if they get into a residence, they expose themselves more to individual civil actions and if they have a search warrant they are better protected and better able to go from one room to another and meet the requirements of the law after they get there.

It also focuses attention more on places of employment so we are going after aliens who are employed and taking the jobs of American workers.

INSPECTION PRECLEARANCE

Mr. MILLER. One last question. Could you tell us a little more about preclearance. Again, comparing your organization with Customs we heard about the preclearance Customs had. Apparently you have at least two locations where you now are using preclearance and you do propose for additional areas where that can be used.

Mr. CROSLAND. Two years ago there was an interest expressed in Ireland and in England and in Germany about the idea of stationing people abroad. The Irish followed it up and came up with a plan.

They are very much interested in having Shannon be a place of preclearance for flights coming from mid-Europe so they can land, refuel, use their Customs-free duty shop and then hit the East Coast of the United States. They contacted us in late summer and we went over in the fall and met with them and then met with the English and the Germans about the idea of preclearance in those countries.

There are some major stumbling blocks. The cost of putting a person abroad is significant. You have to pay for housing and education for his children at a time when we are talking about reducing the number of Americans abroad except for the State Department. This flies in the face of that. Different agencies have had different views.

Our view is let's get all the answers and let's see whether it is cost effective; whether we could perhaps reduce the number of people in this country at airports, the number of places even where people are inspected in this country by putting people abroad.

COOPERATION WITH CUSTOMS SERVICE

Mr. MILLER. I read somewhere in your statement I believe that you help Customs or do some of Customs' work from time to time.

Did I read that in your statement?

Mr. CROSLAND. We do. We are cross-designated in some places where we have one-stop inspection, that is Customs, and we stand and do each other's work. A person comes to me, I am the inspector, he is the Customs man, one line will come to him, one will come to me and we will both do the same work, look at the documentation, the luggage and he goes right on through even though they are two different agencies.

Mr. MILLER. Do you do work for Agriculture too?

Mr. CROSLAND. We would like to have Agriculture involved. We do the same thing. In Miami we tried it recently. It was a short period of cross-training. I think in retrospect, we needed to spend more time doing it. There were some problems because people were not adequately trained to do one another's work.

Mr. MILLER. What were the problems that developed? Are we, because of that, having additional drugs in the country?

Mr. CROSLAND. No, I don't think so. The problems are more of logistical ones, controlling the flow of people coming in, where they were stationed, not overcrowding one area.

Mr. MILLER. Thank you.

Mr. HIGHTOWER [presiding]. Mr. Crosland, were any waivers granted by U.S. Attorneys during that census period that you described a minute ago?

Mr. CROSLAND. Yes.

Mr. HIGHTOWER. Will you furnish that for the record?

[The information follows:]

SEARCH WARRANTS ISSUED TO INS DURING THE CENSUS

The Service field offices reported that 103 search warrants were issued during the period of the census restriction.

Mr. HIGHTOWER. Mr. Crosland, I have six additional questions which I would like to submit to you to be answered in the record, if you will.

[The information follows:]

QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

How long will it take to get a tracking system in international airports and an automated system for immigration filing? At what cost?

The Nonimmigrant Document Control study to be completed by Price Waterhouse and Company consists of three phases with the overall objective of developing an information system containing timely, accurate and complete data regarding nonimmigrants in the United States. This system will be used by INS and other U.S. agencies in carrying out the responsibilities assigned to them by law, executive order or regulation. This study will identify the information needed by INS and other U.S. agencies and establish priorities among those information needs (Phase I); it will analyze existing automated information systems, primarily the Nonimmigrant Document Control System, and identify the information needs not currently being met (Phase II); and it will identify and analyze alternative information systems concepts that could be developed and implemented to meet the information requirements on nonimmigrants described in Phase I and Phase II (Phase III). These alternatives are intended to improve, redesign or replace the existing information systems which include the I-94 program.

The implementation of the Price Waterhouse recommendations will entail specific policy decisions by INS as well as by the Administration. These decisions include an enforcement strategy as related to departure control in the United States, student control and the proposed visa waiver legislation; the quantity and quality of data desired; and what INS capabilities and resources are available. The timing for implementation will be contained in Phase III of the study and will depend upon the nature and complexity of the system finally selected.

The estimated total development and acquisition costs for the proposed system will also be incorporated into Phase III and will range from \$1 million to \$5.2 million depending upon the specific option selected.

How long will it be before we can accurately count illegal aliens? As evidenced by the need for an accurate count of Iranians in this country after the Embassy takeover, we are not equipped to keep an accurate, up-to-date record of aliens in the U.S.

The number of illegal aliens in the United States, i.e., those entering illegally and those who entered legally but violated the terms of their visas, is very difficult to determine and remains uncertain. The Select Commission on Immigration and Refugee Policy estimates that, based on a Census Bureau review, from 3.5 to 5.0 million illegal aliens are currently residing in the United States.

An outside contractor, Price Waterhouse and Company, is presently conducting studies to establish a records program to produce meaningful information for public policy decisions on alien and immigration matters including data on number of nonimmigrant aliens in the country. The study is scheduled to be completed by May 1, 1981. The implementation of a system will depend on available resources.

Do we need a contingency fund in case we face another major influx of refugees?

The costs that the Service has had to incur as a result of the Cuban/Haitian influx have impacted heavily on the other operations. Funds necessary to perform our mission have been diverted to the Cuban/Haitian operation. It also appears that the \$8.9 million supplemental pending before Congress will not be sufficient to cover these additional costs.

A contingency fund, if available, would have minimized the financial disruption to the Service caused by the Cuban/Haitian operations. Had the funds been available, the Service would not have had to impose the financial restraints which were necessary on Service operations to avoid violation of the Anti-Deficiency Act.

Right now we are unable to process the thousands of visa applications we have pending from people who may enter this country legally, for instance, to be reunited with their families. What will a budget cut mean to these people around the world waiting to enter the United States legally?

The reduction of 300 positions in the adjudications function was based in part on the assumption that some of the visa petition and waiver of excludability functions would be transferred to the Department of State. The transfer would have placed the responsibility for adjudicating some visa petitions and some waivers (approximately 70 percent or 400,000 cases annually) upon the consular officer who is considering an application for a visa to enter the United States. However, no such transfer of function will be made.

We expect a reduction in applications for temporary stay by foreign visitors by extending the visitor's initial period of admission. Therefore, the projected backlog is 267,000 cases. If this pending figure materializes, it would mean that the average time required to process the average noncomplicated case would exceed six months.

In terms of the budget, what is the balance between immigration service and enforcement?

The total 1982 budget estimate for Immigration and Naturalization service is shown below.

<u>Program Description</u>	<u>1982 Estimate Amount</u>
Enforcement	\$228,062,000
Service to the Public	55,419,000
Support Operations	79,895,000
Total	<u>363,376,000</u>

Operating on the present budget, the INS is incapable of enforcing the laws, locating and removing illegal aliens, providing services for legal immigrants and patrolling the borders. How can we improve the effectiveness of the INS if they have less money and personnel with which to operate?

Any law enforcement agency would prefer to have more personnel and resources to perform its function. In this period, where the economy is the first priority, INS is determined to do better with what we have. We have operated on this premise for sometime. We must use more sophisticated equipment on the border, and by better scheduling, continue to cover the same area with the same number of people. Legislation has been introduced which will provide efficiencies in many areas of service. In addition to our everyday functions, we are also prepared to confront a crisis, such as the Cuban crisis of last year, should it develop.

Mr. HIGHTOWER. I also have additional questions from the chairman which we would like to submit to you for answers in the record.

[The information follows:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

PAYMENTS TO ALIENS IN DETENTION

Language is proposed in the budget to increase the amount which may be paid to aliens for work performed while they are held in INS detention facilities. The amount paid such aliens would be increased from the present level of \$1 per day to \$4 per day. This proposal was made last year, and not approved by the Congress. In light of that, why are you again proposing this language change?

The present rate of reimbursement, \$1 per day, has been in effect since 1948 and is too low to encourage aliens to volunteer for work in and around the detention facilities. The requested rate of \$4 per day simply accounts for inflation from 1948 to the present, and would be sufficient to obtain enough volunteers to do the simple chores required. No additional funds are requested, and the total cost of the change would be under \$4,000 per year.

\$20,000 OVERTIME LIMITATION

The FY 1981 Appropriation Act included language which would prohibit INS from paying any employee overtime in excess of \$20,000 except when the Commissioner determined that this restriction is impossible to implement. What impact has this provision had on your operations?

The provision has had no serious impact on inspectional operations to date. The Service has implemented a procedure to monitor individual overtime earnings to ensure that no employee exceeds the \$20,000 cap. Ports of entry are utilizing these monitoring reports in determining overtime assignments.

Have you exempted any of your offices from this restriction and if so, would you tell us which ones and what was the reason for doing so?

None of our offices have been exempted from this restriction to date, nor have requests for such exemptions been made by our regional commissioners.

Exceptions to the cap will be considered only after steps to reduce costs, such as maximum rescheduling and fullest use of part-time employees, have been implemented. At a minimum, documentation relating to these actions must be provided to the Central Office for each determination, and pertinent cost comparisons clearly shown.

IMPACT OF AMENDED BUDGET REQUEST

The amended budget request for FY 1982 reflects a decrease of \$21,663,000 and 750 positions from the original budget. What impact will that reduction have on your program for FY 1982?

INS could probably sustain all but the Adjudications program reductions without a major impact on the public. However, INS' ability to process its workload and avoid increasing backlogs would certainly be affected by these reductions.

The reduction of 300 positions in the adjudications function was based in part on the assumption that some of the visa petition and waiver of excludability functions would be transferred to the Department of State. The transfer would have placed the responsibility for adjudicating some visa petitions and some waivers (approximately 70 percent or 400 cases annually) upon the consular officer who is considering an application for a visa to enter the United States. However, no such transfer of function will be made.

We expect a reduction in applications for temporary stay by foreign visitors by increasing the visitor's initial period of admission. Therefore, the projected backlog is 267,000 cases. If this pending figure materializes, it would mean that the average time required to process the average noncomplicated case would exceed six months.

The reduction in the Investigation program was directed toward "non-dual action" caseload as opposed to "area control." Non-dual action generally covers fraud, criminal, immoral, narcotic and subversive caseload. Approximately 40 percent of the Investigation program is directed at non-dual action cases. The proposed reduction would reduce the number of cases completed from approximately 73,000 to 15,000 cases. Part of the reason for the reduction is that INS does virtually no follow-up to determine whether these investigations do in fact result in the deportation of the subject.

The reduction in the Status Verification program, which is charged with investigating questionable applications for naturalization and immigration benefits will also result in a reduction in cases completed. The potential for granting benefits based on fraudulent petitions will increase. However, because INS does not follow-up to determine how many petitions were denied on the basis of an investigation we cannot measure the potential impact.

POSITION REDUCTION

What is the total position reduction that you are proposing from the present authorized level?

The present total authorized level for FY 1981 is 10,886 and for 1982 the authorized force will be 9,531, a net reduction of 1,355 authorized positions.

How many of those positions are filled at the present time?

As of February 21, 1981, The Immigration and Naturalization Service had 9,860 employees on board.

For the record, could you provide what those reductions are by activity?

The Immigration and Naturalization Service reductions by activity are as follows:

<u>Activity</u>	<u>Positions</u>	<u>Amount</u>
Border Enforcement	-385	-\$ 7,248,000
Interior Enforcement	-309	-4,327,000
Detention and Deportation	-67	+2,200,000
Intelligence	-22	...
Service to the Public	-477	-7,312,000
Support Operations	-76	+1,013,000
Program Direction	-19	...
Total	-1,355	-\$15,674,000

COMPARISON OF 1931 AND 1945 ACT OVERTIME

Page 5 of the revised justifications indicates that \$5.2 million of the proposed reduction from the original budget request is associated with a reduction in 1931 Act overtime payments. What payments is an employee entitled to under the 1931 Act and how does that Act differ from the 1945 Act?

Pay entitlements are earned under the 1931 Act for immigration inspectional work only. Under this act, an employee is entitled to 2 days' compensation for work up to 8 hours on Sunday and holidays in addition to any other pay entitlement for basic salary. For overtime work, work in excess of 8 hours, on Sundays, holidays and between the hours of 5:00 p.m. and 8:00 a.m. on other days, the employee is entitled to one half day's pay for each 2 hours or fraction thereof, of at least one hour. In effect, all time worked is paid at double time or more.

Pay entitlements are earned under the 1945 Act for all overtime work, not covered by other statutory provision, performed on any day at any hour of the day. Work must exceed 8 hours in a day or 40 hours in a week to be paid at overtime rates. Under this act, an employee is entitled to compensation at one and one-half times his basic hourly rate or at the minimum rate for personnel in grade 10 of the general schedule, whichever is less. Pursuant to this limitation the maximum overtime rate is \$14.76 per hour as of April 1981.

The following table shows 1931 Act overtime payments at various general schedule grade levels:

<u>GS Grade/Step</u>	<u>Two Days' Pay</u>	<u>One-half Day's Pay</u>
5/1 ¹	\$94.40	\$23.60
7/1	116.80	29.20
9/1	143.04	35.76
9/4 ²	157.28	39.32
10/1	157.44	39.36
11/1	172.96	43.24
12/1	207.36	51.84
12/10 ³	269.44	67.36

¹Minimum rate payable for inspectional duties.

²Average rate paid for inspectional duties on a Servicewide basis.

³Maximum rate payable for inspectional duties.

REPEAL OF 1931 ACT

Won't the 1931 Act have to be repealed in order for you to realize this proposed savings?

The overtime provisions of Title 5 specifically provide for the applicability of the 1931 Act to overtime expenditures for inspectional duties of INS employees. The 1931 Act must be repealed before the provisions of Title 5, applicable to other federal employees, are applicable to INS employees performing inspectional duties.

Has the Administration submitted a proposal to repeal the 1931 Act and if so, what has been the reaction to that proposal?

The Administration has submitted such a proposal, and is making efforts to have it included as a provision in the 1982 Authorization for the Department of Justice.

It has been introduced by Chairman Thurmond as section 11 of the Senate Authorization bill. It has not yet been included in the House Authorization bill. The Subcommittee on Immigration of the House Judiciary Committee may wish to consider the proposal as a separate measure and hold hearings on it.

POLICY CHANGE FROM ORIGINAL BUDGET REQUEST

Aside from cutting the budget, is there any policy change or program rationale for the large reduction from the original budget request?

The 1982 request for the Immigration and Naturalization Service (INS) totals \$363,376,000 and 9,531 positions which represents a net reduction of \$8,192,000 and 1,355 positions below the anticipated 1981 level. The overall dollar reduction is comprised of uncontrollable increases of \$17,619,000 which are offset by non-recurring decreases of \$10,137,000 and net program decreases of \$15,674,000. About one half of the 1,355 reduction in authorized positions are against unfilled positions and in those instances where the reductions impact on on-board employment levels, normal attrition should minimize any potential reduction-in-force. These reductions are part of the President's Program for Economic Recovery and are directed at programs which can best sustain the reductions. Renewed emphasis will be placed on increased efficiency and elimination of unnecessary functions.

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

The Select Commission on Immigration and Refugee Policy, in its report of March 1981, recommends that the Border Patrol funding levels be raised to provide for a substantial increase in the numbers and training of personnel, replacement of sensor systems, additional light planes and helicopters and other additional equipment. What would be needed, in your opinion, to carry out this recommendation as well as other recommendations of the Commission in the enforcement area?

The recommendations of the Select Commission on Immigration and Refugee Policy will be thoroughly reviewed and policy recommendations made to the President. This will be the focus of a special interagency task force established by the President which the Attorney General heads. This will certainly include our policy on illegal immigration which will be an essential aspect of the proposals. After the President has had the opportunity to review the recommendations he will present his proposals to the Congress, which may include a request for additional resources for INS.

It has been reported that the President may consider an open door policy with Mexico. What is your opinion about such a policy being implemented, and its impact on INS resources?

In the President's interview on CBS, he referred to a temporary worker program with Mexico. The Task Force, chaired by the Attorney General, will consider this area. The Select Commission report also considered this type of program. Such a program involves not only INS, but also the Departments of Labor and Health and Human Services.

The Select Commission has recommended amnesty for illegal aliens which they estimate would be about four million people. What do you estimate would be the cost to implement such a program without incurring backlogs in other INS activities?

The recommendations of the Select Commission on Immigration and Refugee Policy will be thoroughly reviewed, and policy recommendations made to the President. This is the focus of a special Interagency Task Force established by the President. The Attorney General chairs that Task Force; he will report his recommendations to the President in early May 1981. After the President has had the opportunity to review the recommendations, he will present his proposals to the Congress. These proposals will be accompanied by the resource requirements for the Immigration and Naturalization Service. If an amnesty program is included in his proposals, it will reflect funding requirements based on relevant assumptions.

KROME DETENTION FACILITY

The budget request includes an increase of \$2,200,000 to operate the Krome Detention Facility in Miami to process Haitians. There are no additional positions associated with this request. How are you going to operate this detention facility without any increase in staff?

Without additional positions the Service intends to establish a nucleus of a permanent staff by transferring seven permanent supervisory positions to Krome. The additional staffing required will be made up by the continued details of INS employees and contract guards.

What will these additional funds be used for?

The \$2.2 million requested to operate Krome essentially covers the major non-personnel costs of operations (food, supplies, utilities, etc.). It does not cover the costs of salaried INS employees; the costs associated with detailing INS employees; or the costs of the contract guards.

CONSTRUCTION AND ENGINEERING

The budget also reflects an increase of \$1,073,000 for the Construction and Engineering program. The justifications indicate that this increase would allow INS to provide needed repairs to Service-owned facilities. Would this increase permit you to fund all of the facilities that are in need of repair?

No, the \$1,073,000 will only accomplish a portion of the needed repairs.

Could you provide a list for the record of the projects that will be funded in FY 1982?

The following is a summary, consolidated by region, of many small projects requested.

<u>Region</u>	<u>Amount</u>
Central Office	\$100,000
Eastern	155,000
Southern	180,000
Northern	110,000
Western	528,000
Total	\$1,073,000

AUTOMATION

The budget also reflects an increase of \$1.8 million for the Nonimmigrant Document Control System and other automated management systems. How does this proposed increase square with the decision of the Congress to place a hold on all INS procurement of data processing equipment pending the completion of a long-range plan?

The total FY 1982 increase request of \$1,803,000 is itemized as follows:

\$500,000 - Requested to keep the Nonimmigrant Document Control System (NIDC) current and to provide expanded data for the NIDC system users so that INS can more rapidly dispose of apprehension and adjudication cases, provide timely responses on enforcement and intelligence requests, and to react to crises such as the Cuban refugee situation.

\$455,000 - Significant improvements have been made in the Financial Management Information System (FMIS) by the implementation of Financial Accounting and Control System (FACS) and Position Accounting and Control System (PACS). Information relating to monetary and personnel resources is now available to management in a timely manner. \$455,000 is being requested to expand this system to include the development of the property, fleet, facilities, and procurement modules of FMIS. These activities are currently manual operations and are inadequate for decision making purposes.

\$848,000 - Payments to the Justice Data Management System, the largest single expenditure in this program, provides support for systems maintenance, development, special requests, and on-going data processing for all INS organizational elements. There is \$3,117,000 in the 1980 and 1981 budgets for Justice Data Center costs. Due to the continued growth of transactions and increased data base size, it is estimated that the billing in 1982 will reflect a usage cost of \$4 million. An increase of \$848,000 is requested to reduce the gap between the budgeted amount and the actual usage.

The requested increases are to be used for more effective operation — and for non-hardware expansions — of existing systems. The congressional hold involves purchase of ADP equipment to support large-scale implementation of Servicewide systems. The FY 1982 program increases do not involve such equipment or projects.

The INS long-range ADP plan is on schedule for completion by September 30. The plan will set targets for overall INS automation support during the 1980's. This does not mean that further automated support will be delayed until the latter part of the decade. An integral part of the long range planning process will be a transition plan to describe on a year-by-year basis (beginning with FY 1982), the automated systems support and benefits to be provided as we move in logical steps toward full automation. Additionally, current initiatives will be incorporated and adjusted to assure that they are supportive of the INS long-range plan. These current initiatives will yield significant new benefits to INS in the near term, and over the next two to three years.

PMIC RECOMMENDATIONS

The President's Management Improvement Council has been studying INS for more than a year. The Council's report calls attention to a number of needed administrative improvements. Can you tell us which of those recommendations have been implemented and which of those recommendations will be implemented in the future?

Many of the PMIC recommendations have already been implemented such as advanced training, reorganization of the contracting and procurement functions, and improvement in the personnel program. INS training programs now emphasize the enhancement of professionalism, heighten sensitivity to the public and promote analysis of needed skills. The contracting and procurement function is no longer part of General Services and a new supervisory contracting officer has been hired. As part of the improvement in the personnel program, INS managers are being held accountable through performance standards and merit pay procedures.

Those recommendations which will be implemented in the near future include data processing reviews, pay and overtime review and the interim automated data processing system project.

Are there any recommendations of the Council which you disagree with? If so, can you tell us which ones and why you disagree with them?

We have no serious disagreements with the recommendations of PMIC. In some instances we have disagreed with the tone of the report,

in that it might seem that problems were uncovered solely by the team. In reality, in these areas, the problems were uncovered and brought to the attention of the team by management. The team worked very closely with the Acting Commissioner, so that it is difficult from the report to distinguish management's proposals from the PMIC proposals.

ADJUDICATIONS

Your initial budget request shows a decrease of 40 positions in the adjudication program. Your revised submission further reduces the program by 300 positions and \$6,500,000. What impact will a 37% reduction in personnel have on the program?

The reduction of 300 positions in the adjudications function was based in part on the assumption that some of the visa petition and waiver of excludability functions would be transferred to the Department of State. The transfer would have placed the responsibility for adjudicating some visa petitions and some waivers (approximately 70 percent or 400 cases annually) upon the consular officer who is considering an application for a visa to enter the United States. However, no such transfer of function will be made.

We expect a reduction in applications for temporary stay by foreign visitors by extending the visitor's initial period of admission. Therefore, the projected backlog is 267,000 cases. If this pending figure materializes, it would mean that the average time required to process the average noncomplicated case would exceed six months.

How many of these positions are now filled?

The reduction of 300 positions would bring our position ceiling to 562 positions. Our present on-duty force is 792. Therefore, 230 of the 300 position reduction are now filled.

Will a reduction in force be necessary to achieve the position reduction?

It is possible that a reduction in force may be necessary. Our present attrition rate cannot effect the reduction but all possible efforts would be made to achieve the position reduction by the placement of employees in other areas of operation.

You also state on page 32 of the justifications that the "1980 Inspection" contribution to the Adjudications' productivity amounted to 815,186 completions or 47 percent of 1,733,000 total completions for that year." With a reduction of 200 positions in the Inspections program, how will the substantial workload usually performed by inspectors be handled?

A reduction of 200 positions in the inspections program would reduce its completions to about 720,000 in FY 1982, a reduction of 95,000 completions as compared to FY 1980. The transfer of functions and other changes previously mentioned would make up for this reduction. If, however, we cannot transfer these functions, the reduction in completions would be added to our backlog.

The program ranking sheet on page 62 ranks the adjudications program third in priority, out of 35 programs. How do you reconcile such a priority, given the massive reduction you propose?

The adjudications program is given a high priority within the Service. We are relying on the other changes mentioned before to maintain this priority and continue to provide the proper service to the public.

BORDER PATROL

What is your current on-board strength for the Border Patrol-Immediate Border program? Will the 160 position reduction you propose erode the current on-board personnel level?

As of March 27, 1981, the on-board strength for the immediate border program was 2,084 officers and 299 support personnel. The 160 position reduction will not erode the current on-board personnel level. INS has an employment ceiling of 2,509 for the Border Patrol-Immediate Border program in 1982. Given our March 27, 1981 on-board strength of 2,383, an additional 126 people can be hired in this program provided other programs reach their approved ceilings.

How will this reduction affect the apprehension of aliens entering the country illegally?

It is estimated that with these 160 positions an additional 80,000 apprehensions could be expected.

INVESTIGATIONS

Given that legislation providing employer sanctions for the hiring of illegal aliens has not been enacted, how can you justify a reduction of 309 positions in the Investigations program?

The Office of Management and Budget (OMB) reduced the Investigations Division by 403 authorized positions in the revised FY 1982 budget request to Congress. Of this total reduction, 309 were in the Investigations program and 94 in Status Verification. The Select Commission has recommended that position increases be allowed for Investigations to be devoted to the investigation of abuses of nonimmigrant visas and the employer sanction proposal.

OMB has recommended a position decrease in the casework area since they felt that this was an unproductive use of resources. No reduction was taken in the area control program.

It is assumed that if the recommendations of the Select Commission are accepted, the proposed increases will be allowed for the Investigations Division.

TRAVEL REDUCTION

What amount do you have budgeted for travel in FY 1981 and what is your estimate for FY 1982? Does this comply with President Reagan's call for a travel reduction?

The INS has \$18,642,000 in appropriated funds budgeted for FY 1981. The present FY 1982 estimate is \$17,186,000 which

reflects program reductions as a result of the President's Economic Recovery Program.

VEHICLES

What is the present condition of the vehicle fleet?

The condition of the INS motor vehicle fleet has been a concern for a number of years due to the need for replacement vehicles. During FY 1981, of the 3,103 motor vehicles in the fleet 1,114 (727 sedans and 387 trucks) - 35 percent of the fleet - meet replacement criteria and are in need of replacement.

As a result a five year acquisition plan has been developed to support an orderly replacement of vehicles. This should assist in identifying and supporting needs for resources to problems encountered in replacing motor vehicles.

How much has been budgeted in FY 1980 and FY 1981 and how much has been obligated in those fiscal years?

In FY 1980, \$2,984,700 was budgeted for additional vehicles. There were no funds budgeted in FY 1980 for replacement vehicles. In FY 1980, \$11,118,350 was obligated to acquire 286 additional vehicles and 740 replacement vehicles. In FY 1981, \$2,358,600 is budgeted to replace 322 passenger vehicles. As of March 1981 no funds have been obligated.

Has a fleet management study been conducted and, if so, what are its findings?

A study has been completed. Several areas of past and present concerns in the management of the INS motor vehicle fleet have been addressed to achieve improved management of the motor vehicle fleet. Some of these improvements include (1) establishment of a Motor Vehicle Policy Advisory Committee; (2) establishment of a permanent position for centralized fleet management; (3) development of motor vehicle acquisition policies for use in justifying motor vehicle requirements and utilization; (4) inventory and reconciliation of the existing motor vehicle fleet; (5) reconfiguration of the fleet, by geographical location, to provide the proper types and quantities of motor vehicles; and (6) the development of a five-year configuration/requirements schedule and a five-year structured acquisition plan. The latter plan is intended to acquire an adequate level of resources to achieve a normal replacement cycle.

Does the proposed increase in Data Systems include any funds for an automated fleet management system?

Yes. A motor vehicle fleet management system is included in the request for funds as one of the modules of the Financial Management Information System (FMIS).

[The following questions were submitted for the record subsequent to the hearing by Mr. Alexander:]

QUESTIONS FOR THE RECORD FROM MR. ALEXANDER

1. *During his appearance before the Committee, the Attorney General presented us with a statement which said there is "reasonable cause to believe that many immigration problems" will not respond to increased resources at INS.*

Would you please identify for the Committee problems which would not respond to increased INS resources and how INS and the Department expects to deal with them?

INS is currently implementing its Mission Plan which was approved in September 1980. This plan is a response to INS' commitment for mission effectiveness and efficiency in an environment of limited resources and increasing workload. The Mission Plan is intended to document and communicate the directions and methods that INS has consciously decided to follow. It is a guide to program and operational planning, to budgeting and to facilitate decision-making by top management.

As contemplated in the Mission Plan, INS believes that it can achieve a variety of economies through reallocation of resources, improved procedures, automative efforts and expanded training of personnel. Its aim is to make as many procedures as simple as possible. For example, managerial and organizational changes such as pre-clearance, one-stop inspection and citizen by-pass are already being instituted by INS to facilitate U.S. citizens and aliens at the ports of entry. INS is currently experimenting with the U.S. Customs Service on the accelerated inspection system to lessen bottlenecks at airports.

2. *Arkansas is my home state and although Fort Chaffee is not in the Congressional District I represent the problems related to the operation of the Cuban detention facility there are of interest to me.*

a. What is the Department's current policy with regard to resolving the problems represented by the Cubans detained at Fort Chaffee?

All of the Cubans detained at Fort Chaffee have been processed by INS. The 2,073 presently at Fort Chaffee will be resettled to individual sponsors and group halfway houses.

b. When do you anticipate that the Cuban detention operation at Fort Chaffee will be closed down?

The Cuban Haitian Task Force expects that the Fort Chaffee operation at Fort Chaffee will close by late June or early July 1981.

c. How much of the INS budget request now before the Committee is for operations associated with keeping Fort Chaffee going and what activities does this money pay for?

INS' budget request before the Committee contains no funds for the Fort Chaffee operation. The Fort Chaffee operation is funded by the Cuban Haitian Task Force under the Department of Health and Human Resources.

d. Since the Cubans who have been detained in Arkansas entered this country illegally but with the acquiescence of the federal government shouldn't the federal government be responsible for paying all costs associated with their detention when they are convicted of violations of state law, as some of them have been?

This is a matter of state sovereignty and INS has no lawful authority to pay detention costs of an individual convicted of state violations.

[The following questions were submitted for the record subsequent to the hearing by Mr. O'Brien:]

QUESTIONS SUBMITTED BY CONGRESSMAN O'BRIEN

HAITIANS

It is my understanding that approximately 20,000 Haitian people have come into the U.S. as asylees. In your justifications there is no money in the budget for Haitians, yet it would seem that with the continued political turmoil in Haiti and with the warm weather coming, there would be more Haitian people trying to come into the United States.

Haitians have been arriving at an average rate exceeding 1,500 monthly. The INS 1982 budget before Congress includes \$2.2 million for the operation of the Krome North Service Processing Center in Miami, Florida. This facility was renovated and placed into operation to handle this influx of Haitians.

What does the Department of Justice plan to do if the Haitian people try to come into the country?

The Administration Interagency Task Force is studying the question of attempting to deter the steady influx of Haitians into South Florida. The task force report is due to the President in May. In the meantime, we have begun exclusion hearings for those Haitians who have arrived since October 10, 1980. Our processing facility will be in full operation in South Florida in June.

Is a supplemental appropriations request expected?

If a large influx of Haitians or other nationalities from the Caribbean should materialize, we would expect to request a supplemental appropriation. In addition, the Attorney General has stated to Congress that after the task force study is completed and depending on its recommendations, a further resource request for INS may be made.

About how much did it cost the U.S. per Haitian person that came into the country?

To date, the Cuban/Haitian Task Force has incurred the major costs resulting from the Haitians entering the United States. INS does not have sufficient information to determine a cost per Haitian arrival.

CUBANS

How many Cubans remain in detention centers?

As of March 29, 1981, there were 3,185 processed Cuban aliens at Fort Chaffee, Arkansas who were awaiting sponsorship.

How many criminal Cubans remain in the United States?

A total of 1,810 Cuban criminals are being detained.

It is my understanding that Cuba is refusing to take back the Cubans with criminal records. If Cuba continues to refuse to take back these people what does the Department of Justice plan to do?

The Department of Justice had developed a plan under the last Administration for reviewing cases of Cuban detainees and releasing those who appeared to present the lowest risks to society. Attorney General Smith has suspended this plan pending the completion of the Interagency Task Force Study.

What efforts are being made in trying to resolve this matter?

The Department of Justice has formed an Interagency Task Force that is reviewing the Cuban/Haitian problem, which includes the refusal of Cuba to take back these criminal/mental aliens.

EL SALVADORIANS

There is also much turmoil in El Salvador. Are any people from this country expected to seek political asylum in the U.S.?

As of the end of February 1981, approximately 1,000 applications for asylum submitted by El Salvador nationals were pending with INS. These cases will be adjudicated on an individual basis under the provisions of Section 208 of the Refugee Act of 1980.

How will the Department allot for this?

Any alien in the United States who has submitted an application for asylum is permitted to remain here until a decision is rendered in his or her case.

WEDNESDAY, MARCH 25, 1981.

DRUG ENFORCEMENT ADMINISTRATION

WITNESSES

PETER B. BENSINGER, ADMINISTRATOR
DONALD P. QUINN, ASSISTANT ADMINISTRATOR, ADMINISTRATION AND
MANAGEMENT
MARION W. HAMBRICK, ASSISTANT ADMINISTRATOR, ENFORCEMENT
WILLIAM G. FINK, ASSISTANT ADMINISTRATOR, INTELLIGENCE
GENE R. HAISLIP, DIRECTOR, COMPLIANCE AND REGULATORY AF-
FAIRS
JOHN W. GUNN, JR., DIRECTOR, SCIENCE AND TECHNOLOGY
MALCOLM E. ARNOLD, CONTROLLER
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION
CHARLES R. NEILL, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE
OF THE CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. SMITH. We will now consider the Drug Enforcement Admin-
istration's fiscal year 1982 request for \$228,524,000. We have with
us today, Mr. Peter Bensinger, the Administrator.

The request is an increase of \$21,724,000 over the amount en-
acted to date for this fiscal year. I believe it is \$7,730,000 below the
original budget request of \$236,254,000. That is 174 positions less
than you originally requested. How many positions is this com-
pared with 1981?

Mr. BENSINGER. The program decreases, Chairman Smith, from
1981 reflect an end-of-the-year ceiling of 3,897, and that compares
with a base of 4,092. It is 195.

Mr. SMITH. A decrease from the present fiscal year?

Mr. BENSINGER. That is correct.

Mr. SMITH. We will insert the original justification materials as
well as the amended materials at this point in the record.

[The justifications follow:]

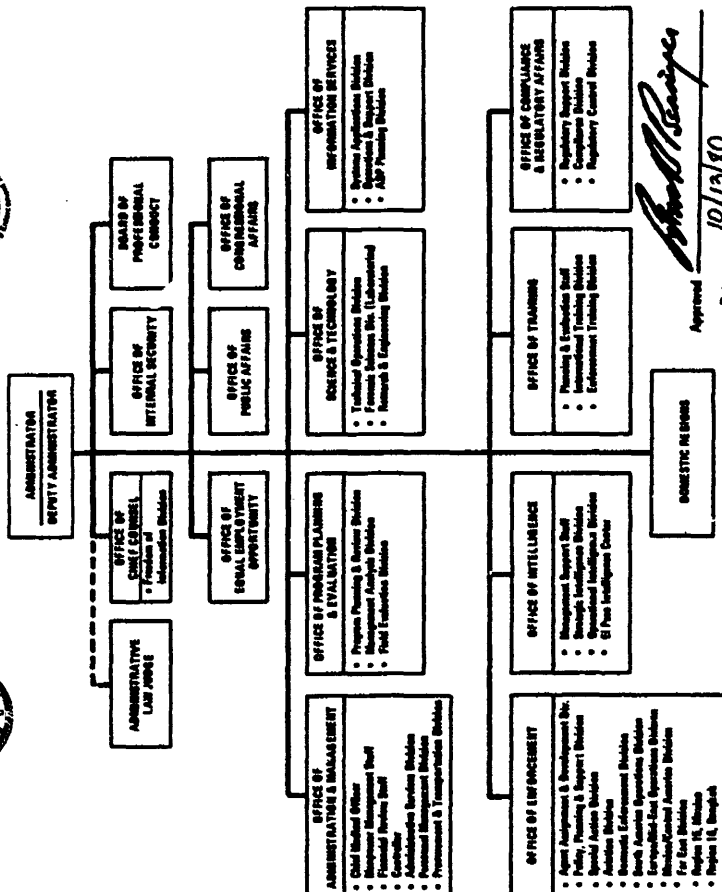
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Department of Justice
Drug Enforcement Administration
Estimates for Fiscal Year 1982
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U.S. Department of Justice
Drug Enforcement Administration



Drug Enforcement Administration

Summary StatementFiscal Year 1982

The Drug Enforcement Administration is requesting, for 1982, a total of \$236,254,000, and 4,071 permanent positions. This request represents an increase of \$12,310,000 in funding and a decrease of 41 positions from the anticipated 1981 appropriation of \$223,944,000, and 4,112 permanent positions.

The Drug Enforcement Administration was established in the Department of Justice on July 1, 1973, by Reorganization Plan No. 2 of 1973. DEA's mission is to provide leadership in the suppression of narcotics and dangerous drugs at the national and international level, and to enforce the controlled substances laws thereby restricting the aggregate supply of drugs of abuse.

The appropriation finances the following major functions:

- Drug law enforcement at the Federal level, including coordination with foreign officials on drug matters (under the policy guidance of the President's Strategy Council).
- Regulation of legitimate controlled substances.
- Development and maintenance of drug intelligence systems.
- Coordination with State, local, and other Federal officials in drug enforcement activities.
- Improvement of State and local drug law enforcement capabilities.

This appropriation finances the operation of five domestic regions, with offices in all 50 States, foreign operations in 42 countries, eight field forensic laboratories, and State and local task forces in selected areas.

Since 1976 and until recently, all of the indicators used to measure heroin availability have consistently reflected downward trends. The national index of heroin purity at the retail level fell from 6.6 percent in 1976 and stabilized at 3.5 percent before beginning a slight upward turn during the third and fourth quarters of 1979, when it rose to 3.7 and 3.8 percent, respectively. As of the third quarter of calendar year 1980, the heroin purity remained at 3.8 percent.

The situation that led to the heroin epidemic of the 1960's and early 1970's is again emerging. Traditional organized criminal elements that were prominent in the old French Connection are re-establishing their linkages. While the demand for heroin in Europe has tended to divert attention from the United States market, this situation is changing. More than ample supplies of raw opium in the Southwest Asian countries of Iran, Afghanistan, and Pakistan have led to a new threat for the United States. Because of political instability and anti-American sentiment in Iran and Afghanistan, American officials cannot work effectively with officials in these countries to prevent the production of illegal opium and heroin.

While heroin remains DEA's principal target, the traffic in cocaine, bulk marijuana, and counterfeit methamphetamine continues to undermine the economic and social fabric of both the United States and many foreign countries.

The major initiatives and resource requests within these activities and programs are summarized below:

Enforcement of Federal Law and Investigations

The Domestic Enforcement program encompasses the enforcement of Federal laws regarding narcotics and dangerous drugs. Specifically, the activity aims to reduce the domestic supply of illicit drugs of abuse to a level with which our society and institutions can reasonably cope.

The 1982 requested increase provides for a passenger motor vehicle replacement program (310 replacement vehicles); installation of Data Encryption Standard (DES) devices on the entire DEA Automated Teleprocessing System (DATS); and will allow DEA to improve its capability to meet the threat posed by heroin trafficking from Southwest Asia and expand its investigative activity in the area of financial aspects of major cases.

The Foreign Cooperative Investigations program encompasses efforts to reduce illicit opium production and the supply of heroin destined for the United States particularly from Southwest Asia; efforts to curtail the supply of illicitly produced dangerous drugs, marijuana, and cocaine entering the United States; and the collection and dissemination of tactical, operational and strategic intelligence.

The 1982 request includes additional resources for investigative activity directed against Southwest Asian heroin trafficking and expansion of the DEA Automated Teleprocessing System in foreign offices on a selected basis.

The Compliance and Regulation program encompasses the regulation of the legal trade in narcotics and dangerous drugs. By authority of the Controlled Substances Act, this activity includes the scheduling and classifying of controlled drugs; establishing import, export, and manufacturing quotas for controlled drugs; registering manufacturers, handlers, and dispensers of controlled drugs; determining points of diversion into the illicit market; and conducting pre-registrant, regulatory, and drug oriented investigations as well as targeted registrant investigations of high-level violators.

The State and Local Assistance program encompasses cooperative law enforcement activities with State, county, and local authorities which benefit the Federal drug enforcement program. Included are training programs for law enforcement officers and forensic chemists; laboratory support for law enforcement agencies (including analysis of evidence and professional testimony in State prosecutive cases); guidance to regulatory agencies; and drug traffic prevention programs.

In order to maintain employment in 1982 at the current level, reductions of 25 positions and \$2,313,000 are proposed to offset increases in higher priority programs. The program level will provide for continued assistance to State regulatory agencies for investigation of retail diversion, the conduct of task force enforcement operations at a reduced level, and participation in cooperative investigations and provision of training and laboratory services on a selective basis.

Intelligence

This activity encompasses the collection, analysis, and dissemination of drug intelligence in support of DEA, other Federal, State, and local efforts to interdict or suppress the illicit movement of drugs. The intelligence activity provides a systematic approach for attacking the drug traffic by assessing the vulnerabilities of traffickers. It supplies information for policy determination and enforcement strategy.

The 1982 request includes a proposal to transfer DEA's program to measure drug abuse (Drug Abuse Warning Network) to the National Institute of Drug Abuse; and a reduction of 21 positions and related personnel costs to reflect resources applied at the current time, resulting in deferral of planned program enhancements.

Research and Development

This activity encompasses research programs directly related to the DEA law enforcement, regulatory, and intelligence functions. It supports these programs through development of specialized covert equipment, and operational engineering support.

In order to maintain employment in 1982 at the current level, reductions of seven positions and related costs are proposed to offset increases in higher priority programs.

Support Operations

This activity encompasses laboratory analysis of evidence in support of investigation and prosecution of drug traffickers; training programs for all levels of DEA operational personnel; and maintenance of an effective technical equipment program to support increasingly complex high level investigations.

The 1982 request provides additional voice privacy capability for the radio communications system; it also provides for the establishment of an aircraft replacement program. A significant portion of DEA training activities will be shifted to the Federal Law Enforcement Training Center at Glynco, Georgia, in 1982.

Program Direction

This program encompasses the overall management and direction of DEA. It includes the development of coordinated and definitive policy; program analysis and planning; security of DEA; legal counsel; and coordination and performance of administrative functions.

In order to maintain employment in 1982 at the current level, reductions of 21 positions and related costs are proposed to offset increases in higher priority programs.

Drug Enforcement Administration
Proposed Authorization Language

The Drug Enforcement Administration is requesting the following authorization language:

For the Drug Enforcement Administration including -

- (A) hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;
- (B) payment in advance for special tests and studies by contract;
- (C) payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));
- (D) payment of expenses not to exceed \$70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General;
- (E) payment of rewards;
- (F) payment for publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment;
- (G) payment for necessary accommodations in the District of Columbia for conferences and training activities;
- (H) acquisition, lease, maintenance, and operation of aircraft;
- (I) research related to enforcement and drug control to remain available until expended;
- (J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;
- (K) benefits in accordance with, or comparable to, benefits provided under sections 901(3), (5), (6), (8), (9) and 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081(3), (5), (6), (8), (9), and 22 U.S.C. 4084), under regulations issued by the Secretary of State;*

- (L) payment for firearms and ammunition and attendance at firearms matches; and
 - (M) payment of tort claims against the United States when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad:
- \$236,254,000. For purposes of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sum shall be deemed to be authorized by section 709(a) of such Act, for the fiscal year ending September 30, 1982.

*This language is similar to language presented in the FY 1981 Department of Justice Authorization Bill; it does not contain any significant substantive changes in authorities. This new language conforms the FY 1982 Authorization Bill to the Foreign Service Act of 1980. Prior authorization language was based upon the Foreign Service Act of 1946.

Drug Enforcement Administration

Justification of Proposed Changes in Authorization Language

The Drug Enforcement Administration is requesting the following new language to be added to its authority in 1982.

(n) Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended --

- (1) by striking out "(d) The provisions" and inserting in lieu thereof "(d)(1) Subject to the limitation provided in paragraph (2), the provisions";
- (2) by inserting "and the award of compensation to informers in respect of such forfeitures" immediately after "compromise of claims"; and
- (3) by adding at the end thereof the following:

"(2) The award of compensation to informers in respect to such forfeitures may be paid from and may be based on the value of the seized property or the proceeds from the sale of such property, except that no award may be paid from or based on the value of seized contraband."

Prior to the FY 1980 Department of Justice Authorization Act, Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) by cross-reference included within the Controlled Substances Act all applicable provisions of the Customs laws related to forfeitures (19 U.S.C. 1602-1619). Previously, DEA had paid "mole" (reward or share to informant as a result of information leading to forfeiture) of 25% of the value of seized property, up to \$50,000 maximum reward. DEA used this provision for many years to pay informants in such cases, but in 1977 a case arose where a U.S. District Court in Texas ordered DEA to pay a "mole" reward under 19 U.S.C. 1619, not based on 25% of the seized aircraft involved in a contraband marijuana shipment, but rather based on 25% of the illicit value of the seized marijuana. The court initially ordered DEA to pay about \$55,000, but the case was ultimately settled for about \$6,000.

The FY 1980 Authorization Act deleted the words "and the award of compensation to informers in respect to such forfeitures" in Section 511(d) of the Controlled Substances Act. The result has been that for the last year DEA has paid no "mole" rewards under 19 U.S.C. 1619.

The proposed language for the FY 1982 Authorization Bill will have the following effects: (1) allow the payment of "mole" rewards based on the value of seized property (including money and other assets, vehicles, vessels and aircraft), (2) allow the reward to be taken from the seized property itself or its sale rather than DEA's appropriation, and (3) prohibit the payment of "mole" rewards based on the value of seized contraband. The language is a necessary and logical reaction to the recent trend of drug traffickers to utilize large amounts of currency and assets, expensive aircraft, vessels, and vehicles, to facilitate their drug trafficking. In November of 1978, Congress saw fit to make assets of drug traffickers used in exchange for drugs or to facilitate drug activities forfeitable. The proposed provisions give DEA

the needed practical tool of being able to pay informants meaningful rewards from the assets and property of the drug traffickers. Such awards would remain at the level of 25% of the seized asset or property, with a maximum possible award of \$50,000 for each case.

(c) not to exceed \$1,700,000 for purchase of evidence and payments for information (PE/PI) to remain available until the end of the fiscal year following the year in which authorized.

DEA is requesting "multi-year" authority to retain funds for purchase of evidence and payment for information (PE/PI).

PE/PI funds are used to purchase drugs and controlled substances in undercover operations, and to pay informants. The nature of these transactions is such that the PE/PI accounts are unique — expenditures are not predictable and controllable in the customary sense.

Heretofore DEA's PE/PI funds have been "one year" funds; any part of the appropriation not obligated by September 30 must be returned to the Treasury. This has complicated the administration of the PE/PI accounts and may even lead to unnecessary expenditures at the end of each year. (While the decision to make a specific expenditure is controllable, when and where an opportunity to make an expenditure will arise and the amount of the expenditure to be made are both uncontrollable.)

PE/PI funds are a widely used and a valuable tool in drug law enforcement; a drug agent could not effectively function without the ability to buy drugs and purchase information. Since PE/PI funds are used in virtually every drug case, it is impractical to manage or control these funds from a central place, e.g., headquarters or even a regional office. Management of the funds, while subject to rigorous controls, is decentralized to the lowest self-contained DEA organizational unit: the resident office.

The administration and accountability for PE/PI funds are as tightly controlled as a program can be. Nevertheless, it is not possible to develop guidelines or regulations to guard against less than optimal year-end spending.

Decentralized allocations, coupled with the unpredictability of expenditure opportunities, often result in compromised decision making when the availability of funds is time constrained. Ideally, management decisions on PE/PI expenditures should be based strictly on operational factors: "Does the new case that offers an opportunity to buy drugs warrant the expenditure of X dollars?" In practice, management decisions on the use of PE/PI are greatly affected by other factors such as the time of year, earlier decisions made with respect to other opportunities, and the expectation of future opportunities that may or may not occur. Thus the management decision becomes: "Does the new case that offers an opportunity to buy drugs warrant the expenditure of X dollars more than a case that could conceivably come up later in the year?"

"One year" funding of PG/PI leads to other problems. Medium and long-range operations must often be terminated at the end of a fiscal year and started again in the new year. Many operations must come to a halt for the two weeks or so at the beginning of the year that it takes to distribute PG/PI allowances to the field. The use of flashrolls must be curtailed at the end of the year because, if a flashroll should be lost, there are no funds in reserve to make up the loss -- putting the agency in a deficiency position.

(p) Section 709(a) of the Controlled Substances Act (21 U.S.C. 904) is amended --

(1) by striking out "and" after "1980", and

(2) by inserting after "1981," the following: "and \$25,254,000 for the fiscal year ending September 30, 1982,".

This change in the Authorization Section of the Controlled Substances Act will maintain that authority at the same level as in the Department of Justice Authorization Act.

DRUG ENFORCEMENT ADMINISTRATION

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Drug Enforcement Administration, Salaries and expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of, not to exceed three hundred [seventy-five] passenger motor vehicles [for replacement only] for police type use without regard to the general purchase price limitation for the current fiscal year; acquisition, lease, maintenance, and operation of aircraft; [206,800,000] of which not to exceed \$1,200,000 for research shall remain available until expended; [] twenty-five (Of which three hundred ten are for replacement only) \$25,254,000, and \$1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1983.

Explanation of Changes:

1. The first change relating to the number of passenger motor vehicles reflects the replacements (310) planned for the fleet in 1982 and for the purchase of 15 vehicles for new agents.
2. The second change would provide DEA with "multi-year" authority for expenditure of funds used in the purchase of evidence and payments for information (RG/PI).

Drug Enforcement Administration
Comparison of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			1981 Supplementals Requested			1981 Appropriation Anticipated		
	Pos. WY Amt.			Amount			Program WY Amt.			Pos. WY Amt.		
	Pos.	WY	Amt.	Amount	Pos.	WY	Pos.	WY	Amt.	Pos.	WY	Amt.
1. Enforcement of Federal Law and Investigations	1,891	1,880	\$91,743	-869	20	15	20	15	\$4,096	1,911	1,881	\$100,196
a. Domestic enforcement	345	345	24,008	-15	...	...	...	...	165	345	345	25,210
b. Foreign cooperative investigations	408	405	14,167	-7	...	...	...	...	226	408	401	15,215
c. Compliance and regulation	49	48	2,718	...	...	...	...	...	23	127	49	2,868
d. State and local assistance	35	35	1,814	...	...	...	...	...	37	107	35	1,958
State and local laboratory services	208	203	12,933	1,700	...	...	...	...	3,255	208	202	18,487
State and local task forces	24	24	1,563	...	...	...	...	...	18	70	24	1,651
Diversification investigative units	387	383	17,718	-7	...	...	...	...	138	1,091	387	18,940
2. Intelligence	26	25	1,926	-7	...	...	...	...	11	-1,157	26	773
3. Research and development	174	174	8,025	-4	...	...	...	...	128	174	173	8,591
4. Support operations	29	28	2,184	-4	...	...	...	...	27	69	28	2,276
DEA laboratory services	119	116	10,916	...	...	...	...	...	85	372	119	11,373
DEA training	277	271	10,179	-22	...	...	...	...	113	575	277	10,845
Technical operations	120	119	5,341	...	...	...	...	...	32	188	120	5,561
5. Program direction	4,092	4,054	205,235	1,565	20	15	20	15	8,354	4,112	4,045	223,944
Executive direction and control	...	...	...	...	...	...	...	...	...	...	...	...
Administrative services	...	...	...	...	...	...	...	...	...	...	...	...
Total	4,092	4,054	205,235	1,565	20	15	20	15	8,354	4,112	4,045	223,944

Explanation of Analysis of Changes from 1981 Appropriation Request (Cont'd)

Congressional Appropriations Action

1. Congressional action provided for a reduction of \$175,000, primarily within adjustments to base. The Congress identified a reduction in adjustment to base and built-in changes amounting to \$127,000 for the Senior Executive Service Awards. This item has been eliminated inasmuch as the enabling legislation extending SES benefits to DEA employees has not been enacted as yet. Additionally, DEA applied the remaining \$50,000 reduction to the uncontrollable increase for executive selection and development training. The remaining funding will still provide for the implementation of the Office of Personnel Management (OPM) requirements.
2. Congressional action also provided \$1,700,000 for support of State and Local Task Forces in order to maintain task forces in the Northeast Corridor of the United States, aimed at trafficking in heroin from Southwest Asia.

Supplementals Requested

1. Additional funding was required in 1981 to fund the pay raises authorized by Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981.
2. The proposed program supplemental will provide for unbudgeted costs of office space rental, increased costs of gasoline and electronic services provided by GSA, and additional funding and positions for investigative activity directed against Southwest Asian heroin trafficking.

Drug Enforcement Administration
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	Perma. Pos.	Work- Years	Amount
1981 enacted.....	4,052	4,054	\$236,830
1981 pay supplemental requested.....	...	...	24
1981 program supplemental requested.....	20	15	8,750
1981 appropriation anticipated.....	4,112	4,085	223,944
Transfer of DEA's program to measure drug abuse (Drug Abuse Warning Network) to the National Institute of Drug Abuse.....	...	...	-1,081
Uncontrollable increases.....	...	42	15,164
Decreases.....	...	...	-4,049
1982 base.....	4,112	4,087	233,978

Summary of adjustments to base and built-in changes:

1981 enacted.....
Supplementals requested:
1981 pay supplemental requested.....
1981 program supplemental requested.....
1981 appropriation anticipated.....
Transfer of DEA's program to measure drug abuse (Drug Abuse Warning Network) to the National Institute of Drug Abuse.....
Uncontrollable increases.....
Decreases.....
1982 base.....

	1980 Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perma. Pos.	WT	Amount	Perma. Pos.	WT	Amount	Perma. Pos.	WT	Amount	Perma. Pos.	WT	Amount	Perma. Pos.	WT	Amount	Perma. Pos.	WT	Amount
1. Reimbursement by budget activity																		
a. Domestic enforcement.....	1,853	1,851	\$91,405	1,853	2,010	\$93,326	1,911	1,881	\$100,196	1,911	1,909	\$105,531	1,937	1,929	\$109,236	26	20	\$3,705
b. Foreign cooperative investigations.....	350	350	24,002	350	330	23,306	345	345	25,210	345	345	27,895	355	352	28,596	10	7	1,101
c. Compliance and regulation.....	408	403	13,977	408	382	12,666	408	401	15,215	408	403	15,897	408	403	15,897	...	...	...
d. State and local assistance.....	344	338	21,538	344	338	21,438	316	309	24,964	316	310	23,401	291	285	21,089	-25	-25	-2,315
2. Intelligence.....	367	363	17,542	367	369	16,880	367	362	18,940	367	363	18,634	366	362	17,797	-21	-21	-837
3. Research and development.....	26	25	708	26	21	620	26	25	773	26	25	2,014	19	18	1,895	-7	-7	-179
4. Support operations.....	322	318	20,161	322	326	19,777	322	316	22,240	322	318	23,579	319	315	24,898	-3	-3	1,319
5. Program direction.....	284	281	14,846	284	284	14,578	287	286	16,406	287	284	17,127	276	273	16,607	-21	-21	-520
Total.....	4,074	4,049	203,979	4,074	4,170	203,181	4,112	4,045	223,944	4,112	4,087	233,978	4,071	4,037	236,254	-41	-50	2,276

Drug Enforcement Administration

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pera.	WT	Amount	Pera.	WT	Amount	Pera.	WT	Amount	Pera.	WT	Amount	Pera.	WT	Amount	Pera.	WT	Amount
Enforcement of Federal law and investigations:																		
Domestic enforcement:	1,853	1,851	\$91,405	1,853	2,010	\$93,926	1,911	1,881	\$100,196	1,911	1,909	\$105,531	1,937	1,929	\$109,236	26	20	\$3,705
Foreign cooperative investigations:	350	350	24,002	350	330	23,306	345	345	25,210	345	345	27,895	355	352	28,956	10	7	1,101
Compliance and regulation:	408	403	13,977	408	382	12,656	408	401	15,215	408	403	15,897	408	403	15,897	...	...	...
State and local assistance:																		
State and local training:	49	48	2,713	49	47	3,058	49	48	2,868	49	48	2,987	40	39	2,640	-9	-9	-347
State and local laboratory services:	42	42	2,158	42	40	1,945	35	35	1,998	35	35	2,078	30	30	1,898	-5	-5	-180
State and local task force:	229	224	14,898	229	227	14,761	208	202	18,487	208	203	16,232	200	195	14,779	-8	-8	-1,453
Diversification investigative units:	24	24	1,569	24	24	1,674	24	24	1,651	24	24	2,104	21	21	1,771	-3	-3	-333
Intelligence:	387	385	17,542	387	369	16,880	387	382	18,940	387	385	18,654	366	362	17,797	-21	-21	-837
Research and development:	26	25	708	26	21	620	26	25	773	26	25	2,014	19	18	1,895	-7	-7	-179
Support operations:																		
DNA laboratory services:	174	174	8,019	174	169	7,509	174	173	8,591	174	174	9,058	174	174	9,058	...	...	...
DNA training:	29	28	2,183	29	33	2,275	29	28	2,276	29	28	2,350	26	25	2,300	-3	-3	-181
Technical operations:	119	116	9,959	119	124	10,033	119	115	11,275	119	116	12,131	119	116	13,631	...	...	1,500
Program direction:																		
Program administration and control:	264	262	9,352	264	264	9,084	277	269	10,845	277	275	11,109	263	261	10,846	-14	-14	-347
Administrative services:	120	119	5,494	120	120	5,494	120	117	5,261	120	119	5,234	113	112	5,161	-7	-7	-172
Total:	4,074	4,049	203,979	4,074	4,170	203,181	4,112	4,045	223,944	4,112	4,087	233,978	4,071	4,037	236,254	-41	-50	2,276
Other Workyears																		
Holiday:		5			5			6			6			6			...	...
Administratively Uncontrollable:																		
Overhead:		395			412			461			461			468			5	5
Overtime:		22			21			21			21			19			-2	-2
Total compensable workyears:		4,471			4,590			4,533			4,575			4,528			55	55

Drug Enforcement Administration
Justification of Program and Performance
Activity Resource Summary

Activity: Enforcement of Federal Law and Investigations	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Per- Pos.	NY Amount	Per- Pos.	NY Amount	Per- Pos.	NY Amount	Per- Pos.	NY Amount
Domestic enforcement.....	1,911	\$100,196	1,911	\$105,531	1,997	\$109,236	26	\$3,705

Long-Range Goal: To reduce the domestic supply of illicit drugs of abuse.

Major Objectives:

- Enforce effectively and efficiently the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act to achieve the following:
 - hold below 4% the average purity of heroin available at the street level;
 - contain traffic in clandestinely manufactured dangerous drugs;
 - prevent any significant increase in the domestic availability of cocaine; and
 - improve measures to interdict smuggling of high-volume marijuana shipments.
- Increase efforts against major suppliers of Southwest Asian heroin now appearing in the retail market.
- Immobilize major traffickers and organizations through the use of the civil and criminal forfeiture statutes.
- Expand the use of civil forfeiture provisions of 21 U.S.C. 881(a)(6).
- Maintain balanced pressure to immobilize clandestine laboratories.
- Maintain a viable telecommunications capability by expanding the secure teletypewriter system and replacing obsolete equipment.
- Improve and redesign the Narcotics and Dangerous Drugs Information System (NADDIS) to provide varied inquiry capability, quicker response time, and enlarged data storage capability.

Base Program Description: DEA carries out this mission through:

- Investigation and preparation of cases to prosecute drug violators operating at interstate and international levels. This is accomplished using a wide variety of investigative techniques and supportive activities including:
 - undercover operations;
 - development and utilization of confidential sources of information;
 - electronic surveillance;
 - formal training in conspiracy development techniques;
 - legislation requiring the reporting of piperidine sales and providing for forfeiture of the proceeds of drug trafficking;
 - emphasis on use of the various conspiracy statutes and the more sophisticated statutory tools such as the Continuing Criminal Enterprise provision, racketeering statutes, tax laws, and Racketeer Influenced and Corrupt Organization (RICO) statute;
 - investigation of illicit money-flow activities;
 - coordination and cooperation with other Federal law enforcement agencies to immobilize drug traffickers through their prosecution for non-drug offenses; and
 - coordination and cooperation with State and local law enforcement agencies in the exchange of investigative information.
- Precursor control measures aimed towards identifying and immobilizing clandestine laboratory operations.
- Close coordination of DEA inter-regional investigations to include DEA foreign activities.
- Participating in Department of Justice strike forces and joint DEA/FBI investigations of organized crime.
- Use of centralized automated data systems for investigative and management support.
- Use of secure telecommunications for operational communications.

The social harm inflicted by the abuse of drugs includes deaths and injuries and strains placed on our national institutions. A criminal element that profits significantly from the traffic contributes huge amounts of untaxed money to either organized crime coffers or investments in legitimate enterprises which have a corrupting influence on our communities. Drug trafficking also impacts on our economy through the outflow of United States capital to foreign countries. Furthermore, it has contributed to making many communities unsafe because of drug related street crime.

The major thrust of the Domestic Enforcement program is disruption of the highest echelons of the traffic in the priority drugs of abuse. This strategy is based on the experience that the greatest impact on traffic can be achieved at these levels and that this represents the most cost-effective employment of resources.

The increased flow of heroin from Southwest Asia through Europe to the United States, with the reactivation of the trafficking patterns which were effective in the 1960-1970 era, is the major investigative priority.

DEA's investigative activities fall into two major categories based on the source of the investigation: DEA-initiated investigations, and cooperative investigations stemming from referrals by other Federal law enforcement agencies such as the U. S. Customs Service and the Immigration and Naturalization Service. With respect to referral-type investigations, while DEA has the principal responsibility in drug offense cases, as a practical matter, DEA exercises only limited control over drug priorities in this area. These cases emanate predominantly from border seizures, and the standards established for prosecution by the several United States Attorneys vary considerably.

In DEA-initiated cases, a wide variety of investigative techniques are employed. Increasing use is being made of the conspiracy statutes and the more sophisticated statutory tools such as the Continuing Criminal Enterprise provision and the racketeering statutes. To date, over 90% of the special agent force has received formal training in conspiracy development techniques.

A significant part of the effort of the field offices in the five domestic regions is necessarily employed in substantive case development; the total effort involves a mix of substantive and conspiracy cases. Conspiracy prosecutions develop most often through exploitation and extension of evidence and witnesses developed in the substantive cases. Interregional cooperation and investigative assistance are emphasized.

In selected priority trafficking situations that are interregional in nature, Mobile Task Force organizational, operational and management procedures are used in the application of investigative resources. The Mobile Task Force approach stresses economy of force, mobility, speed, and flexibility in responding to high level drug trafficking.

Mobile Task Forces fall into two categories: (1) Central Tactical Units (CENTACs) directed by Headquarters staff, which stress conspiracy investigations where multi-regional coordination is necessary; and (2) task forces which are deployed to a location to confront a conspiracy, a substantive case, or an interdiction effort, and are managed by a single regional office. CENTAC units are organized to respond to an existing conspiracy—they are not assembled and tasked with searching for a target of opportunity.

CENTAC operations targeted against major conspiracies will receive added emphasis. These activities will be undertaken on a case-by-case basis when it is determined by DEA management that intelligence or evidence points to probable success commensurate with resources expended. Through demonstrated success of these investigations, DEA aims to create in the minds of major traffickers a certainty of punishment under all applicable Federal statutes, as well as the more complete immobilization of their organizations.

There has been increased utilization of DEA/FBI task forces on a case-by-case basis to combine the expertise of both agencies during complex investigations aimed toward the prosecution of major organized crime violators implicated in the narcotics traffic.

Increased activity in the conspiracy area will be stimulated by (1) Title III investigations, when appropriate, (2) international money flow transactions and financial assets investigations which involve cooperation of agencies such as the Internal Revenue Service and U.S. Customs Service, and (3) application of the RICO statutes and other provisions such as the Continuing Criminal Enterprise sanction.

DEA is focusing increased efforts on financial investigations involving international money flows and drug traffickers' assets. These investigations, involving close cooperation between DEA, the U.S. Customs Service, and the Internal Revenue Service, are aimed at important violators generally isolated from drug charges, who direct, control, and profit significantly from the traffic. Assets emanating from investments of these profits are vulnerable to forfeiture. This innovative combined Federal technique is seen as an effective tool in reducing capital in the traffic, thereby immobilizing major trafficking organizations.

Conventional enforcement methods such as informant development, undercover infiltration, and purchases of information and drug evidence will continue to be used as tools in the development of both substantive and major conspiracy investigations. These activities provide for acquisition of evidence which, among other things, reinforces the credibility of testimony of government witnesses.

Also high on the list of priorities is the immobilization of domestic clandestine laboratory operations and the supporting precursor control program. The rescheduling of PCP, the scheduling of P-2-P, and the controls placed on piperidine should result in more effective control of illicit manufacture of PCP, methamphetamine, and amphetamines.

Finally, increased enforcement efforts will be directed against major traffickers/organizations involved in the smuggling of huge quantities of cocaine, marijuana, and methamphetamines entering the continental United States from South America in the Southeastern part of the United States.

Full cooperation between DEA, U.S. Customs Service, Immigration and Naturalization Service, and the U.S. Coast Guard in border interdiction activities will be emphasized. DEA will continue to support the border interdiction function through: (1) immediate referral of smuggling information, (2) cooperative investigations where appropriate, and (3) coordination of defendant debriefing techniques in cases not acceptable for Federal prosecution.

Critical support requirements of the enforcement, intelligence, and regulatory activities of DEA have mandated the necessity for a fully interfaced system of data records, processed on a single hardware system and managed by a single retrieval (data base management system) method. In 1980 DEA embarked on the planning for acquisition of this unified system, which will replace the systems formerly known as the CSA (regulatory), MAUDIS (enforcement), and PANDORA (intelligence). The system will provide data access across existing files of DEA records in the drug law enforcement, narcotic intelligence and controlled substances regulation and compliance areas. This system is planned to be fully operational by 1983.

The telecommunications system encompasses the following:

Secure Voice: Cryptographic secure voice devices located at DEA headquarters to provide intelligence and enforcement elements access to the United States intelligence community.

Speech Privacy: Commercially available speech privacy devices to offer a deterrent against monitoring of phone calls.

Facsimile: A system which includes 130 terminals in field offices of all domestic regions, compatible with other government agencies, and commercial firms with similar equipment.

DEA Secure Teletype System (STTS): A leased line network that provides the capability to transmit classified and sensitive message traffic in support of the DEA mission domestically and through the headquarters telecommunications center to foreign offices via Department of Defense Automatic Digital Network (AUTODIN) access channels and the State Department's Diplomatic Telecommunications System.

Accomplishments and Workload: Domestically, five cities were selected as targets for special enforcement efforts regarding Southwest Asian heroin trafficking: Boston, New York, Philadelphia, Baltimore, and Washington, D.C. Currently 66% of the heroin removed nationally is of Southwest Asian origin. In addition, there has been continued success in containing the flow of Mexican and Southeast Asian heroin as demonstrated by the fact that the heroin purity level has increased by only one-tenth percent.

The CEVAC programs continue to concentrate on conspiracy prosecutions at the highest level of national and international traffickers. Since July 1979, 242 drug violators have been indicted. One CEVAC team eliminated the world's largest LSD manufacturing organization that distributed LSD throughout the United States and Europe. Another CEVAC team immobilized a heroin processing and distribution ring through the indictment of 145 traffickers of which 100 were Class I and II violators. Three new CEVACs were initiated. CEVAC 23 is aimed at neutralizing major Greek, Turkish, Lebanese, and Southwest Asian traffickers who move heroin and money into the San Francisco Bay area; CEVAC 24 targets a syndicate of prominent Chinese traffickers who move Southeast Asian heroin into that same area; and CEVAC 25 is targeted against a major high level heroin manufacturing and smuggling organization operating between Southwest Asia, Europe, and the United States—principally through New York.

The number of clandestine PCP laboratories seized has declined. This can be attributed to both the high number of increased seizures during the last several years and the enactment of Title III of Public Law 95-633 on November 10, 1978, which lessened the availability of the precursor chemical pipeline. In contrast, the seizure of other types of dangerous drug laboratories has increased significantly, especially in the South Central area of the country.

DEA has increased investigative activity leading to prosecution under the civil and criminal forfeiture laws [21 U.S.C. 881 (a)(6) and 21 U.S.C. 846, 18 U.S.C. 1961-64, respectively] against drug traffickers' assets. As of October 1, 1980, cash, property, and conveyances seized amounted to \$50,854,320. Exploitation of financial data has been incorporated into DEA investigations to identify assets that may be liable to forfeiture, and to encourage joint prosecutions with other Federal agencies. Plans call for increased use of criminal and civil forfeiture provisions with cash and property confiscations increasing proportionately. A sharp rise in seizures is expected as agents apply their special financial investigative training against traffickers' financial structures and cash flow.

Program measures include the following:

Item	Estimates		
	1979	1980	1982
Total domestic Federal arrests.....	5,234	6,992	7,200
Total DEA initiated.....	(5,361)	(6,238)	(6,450)
a. Class I cases.....	2,596	2,954	3,050
b. Class II cases.....	713	1,001	1,075
c. Class III cases.....	1,645	1,750	1,760
d. Class IV cases.....	427	553	565
Federal referrals.....	(953)	(754)	(750)
a. Class I cases.....	118	97	90
b. Class II cases.....	33	45	50
c. Class III cases.....	316	347	350
d. Class IV cases.....	366	265	260

Program Changes: Increases of 26 agent positions and \$3,705,000 are requested for the Domestic Investigations program in 1982. These changes include \$1,400,000 for vehicle replacement, \$1,565,000 for financial investigations, and \$740,000 for encryption of the entire DEA Automated Teleprocessing System (DATS).

Vehicle Replacement

An increase of \$1,400,000 provides for the replacement of 310 passenger motor vehicles at an estimated average unit cost of \$6,800 per vehicle, or an overall cost of \$2,108,000, offset by proceeds of \$702,000 from the sale of vehicles that are no longer economical to operate. Short-term objectives are as follows:

- Purchase 310 compact sedans of various classes for law enforcement use and establish a six year replacement schedule for the vehicle fleet.
- Provide special agent personnel with sufficient and appropriate vehicles for use in undercover activities, meetings with informants, surveillance, and other direct enforcement activities.
- Provide more fuel efficient, smaller vehicles to meet the spirit of the President's energy-related goals while reducing overall maintenance repair costs of an aging fleet.

This request is essential to ensure that an absolute minimum number of existing sedans are replaced and that overall effectiveness of fleet resources is not further diminished. A total of 955 vehicles currently in the fleet will meet or exceed replacement criteria (6 years or 60,000 miles) in 1982. Federal regulations (FAR 101-58) allow for replacement of 25% of total existing resources in a single year, or 462 sedans in 1982. DEA will purchase only 310 sedans, 152 less than permitted by the regulations. It is anticipated that this shortfall will be offset through DEA's commitment to acquire more cars through seizures.

Financial Investigations

DEA will recruit 26 special agents (\$1,565,000) who have financial/accounting backgrounds. They will be assigned to investigations with major financial aspects and will assist in the development and prosecution of these cases. Particular emphasis will be placed on:

- Directing enforcement efforts primarily against large volume, interstate drug traffickers.
- Expanding the use of civil forfeiture law 21 U.S.C. 881 (a)(6) and continuing emphasis on the use of the criminal forfeiture provisions of 21 U.S.C. 848 and 18 U.S.C. 1961-1964 to a broader spectrum of DEA investigations.
- Increased attention to major suppliers of Southwest Asian heroin now appearing in the retail market.

Short-term objectives are as follows:

- Seize and ultimately forfeit to the United States Government increasing amounts of drug trafficking assets.
- Expand the utilization of civil forfeiture proceedings of the Controlled Substances Act (21 U.S.C. 881) against violator assets.
- Expand the utilization of criminal forfeiture proceedings of the Continuing Criminal Enterprise Statute (21 U.S.C. 848) against violator assets.
- Expand the utilization of criminal forfeiture proceedings of the Racketeer Influenced Corrupt Organization Statute (18 U.S.C. 1961-64) against violator assets.
- Develop and coordinate the necessary expertise with appropriate U.S. Attorney's Offices, other Federal agencies, and foreign governments.

This request will also permit DEA to increase training of field personnel at all levels in the application and utilization of Federal forfeiture statutes. Forfeitures resulting from increased prosecutions should also increase. While the impact of these increases cannot be quantified because of the lack of a comparable data base, the importance of sophisticated financial investigations is recognized throughout the law enforcement community.

Encryption of DATS

Also included within this request is \$740,000 to provide improved security to the entire DEA Automated Teleprocessing System (DATS) by incorporating the following Data Encryption Standard (DES) devices into the system:

Justice Data Services	
Center (JDS) central site	- 32 circuits
Remote central units	- 96 terminating control units
Remote dial-up ports	- 74 terminating ports
Total	202

These devices will:

- Prevent unauthorized and potentially dangerous access to sensitive drug law enforcement data.
- Secure by encryption each radiating circuit from the JISC, for a total of 32 units.
- Secure by encryption each dedicated remote circuit termination for a total of 96 units.
- Secure by encryption each remote dial-up port for a total of 74 units.

In October of 1979, the System Development Corporation concluded a risk analysis of DEA's entire DATS network. Their final recommendation was that DEA purchase DES devices to secure transmissions of data as data was transmitted over unsecured, commercial circuits which are quite vulnerable to interception by clandestine methods.

DATS currently incorporates eight major DEA computerized systems into one nationwide multi-station system. The data transmitted over DATS is maintained at a central repository of automated records in the Department of Justice's Data Center. Transactions via DATS provide access to data on criminal records, biographical records, national narcotics intelligence, drug evidence exhibits and individuals and firms registered in compliance with the Controlled Substances Act of 1970.

Because many of the DATS transactions contain information of a sensitive drug law enforcement nature, unauthorized access to data on the system could result in the compromise of an investigation or physical harm to DEA law enforcement personnel and cooperating individuals. The installation of DES equipment will greatly reduce the possibility of persons unlawfully obtaining information, will provide for improved safety of DEA and cooperating personnel, and will enhance investigations.

Activity: Enforcement of Federal Law and Investigations

1981 Appropriation Anticipated	1982 Base		1982 Estimate		Increase/Decrease				
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount			
Foreign cooperative investigations.....	345	345 \$25,210	345	345 \$27,955	355	352 \$28,956	10	7	\$1,101

Long-Range Goal: To reduce the supply of illicit drugs of foreign origin destined for the United States.

Major Objectives:

- Encourage, advise, and assist host countries in the development and implementation of effective measures to control illicit drug crops, disrupt illicit cultivation and conversion, and interdict the movement of drugs into international smuggling channels.
- Encourage and assist host countries to establish and support effective drug intelligence agencies, and promote intergovernmental enforcement cooperation and intelligence exchanges.
- Promote, advise, and assist source countries in the planning and implementation of effective programs for eradication of illicit opium, coca, and marijuana crops, and encourage vigorous control of illicit cultivation.
- Encourage development of essential chemicals programs to identify laboratory operations and restrict trafficking in essential chemicals destined for illicit use.
- Support host country institution building processes through the international training program with funded appropriations of the Bureau of International Narcotic Matters, the Department of State. The major objectives of this program are:
 - Upgrade the host country drug law enforcement capability of foreign law enforcement.
 - Encourage and assist key countries in developing self-sufficient narcotic investigative training programs.
 - Provide foreign officials with motivation, as well as necessary skills and knowledge, required to initiate and continue high level drug investigations.
 - Increase cooperation and communication between foreign police and DEA personnel and among foreign police stationed along international trafficking routes.
- Promote the adoption of crop substitution and alternate income producing programs.
- Increase joint investigation and assistance in the prosecution of international traffickers.

- * Increase efforts to collect money-flow documentation to support joint prosecutive efforts.
- * Unite International interdiction operational efforts with domestic DEA operations and ongoing U.S. Coast Guard and U.S. Customs Service efforts directed towards drug interdiction at sea.

Base Program Description: The purpose and principal thrust of this program is to both motivate and assist foreign source, transit, and companion victim countries in the development of drug law enforcement and ancillary programs to reduce the supply of illicit drugs produced, processed, and prepared for ultimate delivery to the United States. The primary strategy is to disrupt the flow of narcotics and dangerous drugs at the highest levels of foreign source with the aim of disrupting the international flow of drugs.

Heroin, the priority drug of abuse in terms of comparative social harm, emanates from foreign agricultural sources, and is processed in foreign laboratories and staged in the foreign areas for introduction into the international export/import smuggling channels. While the demand for heroin is growing in traditional opium consuming countries, the major emphasis of the foreign production, processing, staging and smuggling operations is to supply the more affluent American and Western European markets.

An important part of this program is to collect and produce, on a continuing basis, tactical/operational and strategic foreign drug related intelligence. This intelligence enables the DEA and other United States and foreign authorities to make maximum use of their assets and capabilities to control illicit drugs. It also enables United States drug suppression agencies to recognize drug flows into the United States and forecast future trends in narcotics problems.

In an effort to insure that foreign counterparts have sufficient knowledge and expertise to furnish assistance, DEA conducts a variety of training programs for foreign enforcement and regulatory officials. These programs also serve to stimulate foreign governments to become actively involved in a broad range of drug control programs.

DEA foreign activities focus on the provision of expert advice and authorized investigative, intelligence, and training assistance in those foreign areas deemed most critical to the reduction of drugs destined for the U.S. A natural extension of these programs is DEA encouragement and assistance in the implementation of substantive intergovernmental enforcement cooperation and intelligence exchanges. DEA foreign training activities directly support this overall effort in terms of development of capable host country cadres for building and operation of effective and cooperative drug enforcement agencies.

The major activities/techniques employed in accomplishment of the major objectives are as follows:

- * Liaison, which is central to the DEA foreign mission includes visits, briefings, exchanges, and contacts with foreign law enforcement officials to encourage cooperation and development of effective host country drug enforcement capability and commitment.

- Criminal drug information collection and exchange directly support intelligence production and prosecution of defendants in the United States and the host countries. These efforts include:
 - Development of sources of information; interview of witnesses and defendants involved in drug traffic as well as other persons knowledgeable of illicit cultivation, production, and transportation activities.
 - Undercover penetration of trafficking organizations in support of host country operations.
 - Surveillance assistance and development of evidence against major traffickers of drugs destined for the United States.
 - To the extent possible, providing host countries with both relevant information developed by DEA and judicial assistance such as Letters Rogatory.
 - Participation with foreign officers in pursuing investigative leads such as checks of banks and other financial institutions, hotel records, public and private organization records, passport records, airport and shipping records.
 - Coordination of matters regarding extraditions, expulsions, joint prosecutorial matters, and requests for judicial assistance.
 - Acquisition and transmittal to the United States of drug samples supplied by foreign government officers for laboratory analyses relating to the origin of drugs destined for the United States.
 - Traditional drug intelligence activities conducted concurrently with the foregoing involve the identification and dissemination of information collection requirements, collection against these requirements by special agents, initiation of Special Field Intelligence programs, analytical research processing, and the production and dissemination of tactical/operational and strategic foreign intelligence.
 - DEA conducts a variety of international training programs which are reimbursed by the Department of State, Bureau of International Narcotic Matters: Five-week Advanced International Drug Enforcement schools, two-week in-country training schools, two to four week executive observation programs, instructor training programs, intelligence collection and analysis schools, three-week forensic chemist seminars, and sponsors the International Drug Enforcement Officers Association Conferences.
 - Foreign language training provided by the Department of State, Foreign Service Institute, ensures that DEA employees are equipped for their assignments in foreign countries.
- Accomplishments and Workload: Southwest Asian (SWA) heroin entered the domestic market in increasing amounts during the 2nd, 3rd and 4th quarters of 1980. This threat is being met in Europe, the Middle East, and Southwest Asia as additional special agents and resources are sent to supplement DEA offices and host country officials. Significantly, in 1979, 414 kilograms of SWA heroin were seized through European operations; as of the 4th quarter, 1980, 1,545 kilograms were seized. Moreover, in the past 18 months, fourteen heroin laboratories have been immobilized, eight of which produced heroin primarily destined for the United States.
- The Special Action Office/Southeast Asian (SAO/SEA), started in June 1977, has been discontinued. However, Special Field Intelligence programs continue to operate there with excellent results. In the past six months, for example, the Royal Thai Government cooperated with DEA to bring about the arrest of the head of one of the larger organizations that supplied

precursors. This cooperation and the results indicated that the Thais are interested in working with the United States in fighting the narcotics problem. A further indication came when a warrant was issued for the arrest of the Chief of the Shan United Army, and with the destruction of a heroin refinery.

The "Colombian Connection" is still the source of most of the cocaine, marihuana, and methuamane being brought into the United States. In 1978 the United States and Colombia entered an agreement that committed the United States to intensifying interdiction in Florida and along the East Coast. DEA furnishes intelligence on movement of suspect aircraft and ships to the Colombian military and National Police. Their job was to interdict drug movements on the Guajira peninsula. Between October 1, 1979 and July 1, 1980 the military campaign resulted in seizing or eradicating 1,977 tons of marihuana, 12 ocean-going ships, 42 aircraft, and 170 vehicles, and the arrest of 713 violators. Because of budget and manpower cuts in the Colombian military, the level of seizures has declined. However, a new Colombian government plan calls for the National Police to take over Guajira enforcement; the military will supplement the National Police when needed. The agreement will continue through 1980. Cooperation among DEA, U.S. Customs Service, the U.S. Coast Guard, and the Colombian authorities in all areas has prevented a severe decline in the overall number and quantity of seizures.

Program measures include the following:

	1979	1980	1981	1982
Foreign cooperative arrests.....	1,131	1,106	1,150	1,175
Trafficking networks developed.....	20	142	145	145
Trafficker profiles completed.....	106	98	125	125
Enforcement targets identified.....	1,195	1,449	2,200	2,200
Training programs for foreign police officials:				
Programs conducted in U.S.....	30	3	19	19
Programs conducted in host countries.....	30	11	30	35
Trainee-days.....	13,667	8,187	12,240	15,355

Program Changes: Increases of 10 positions (7 agents and 3 intelligence analysts) and \$1,101,000 are requested for the Foreign Cooperative Investigations program for 1982.

DATS Overseas

An increase of \$150,000 to provide a total availability of \$450,000 for expanding access to the DEA Automated Teleprocessing System (DATS) to 16 overseas offices not currently possessing DATS capability is requested. This funding will allow for the following:

- * Provide a total of 25 DEA foreign offices with the capacity to directly and immediately access DEA information systems: Narcotics and Dangerous Drugs Information System (NADDIS), System to Retrieve Information from Drug Evidence (STRIDE), Automated Reports and Correlated Orders System (ARCOS), Enforcement Management Information System (EMIS), and National Crime Information Center (NCIC).

- Provide immediate and current enforcement/intelligence information to selected DIA overseas offices in support of the Foreign Cooperative Investigations program.
- Provide quick-response and current intelligence assistance to foreign government police officials in support of cooperative investigations.
- Assist the entire foreign cooperative investigative process by reducing response-time for retrieving intelligence data; thereby, increasing the investigative work-hours available for extended or new cooperative case development.

Current methods for providing intelligence overseas (i.e., microfiche, printouts, and direct telephone inquiries to DIA headquarters and/or El Paso Intelligence Center) are slow, extremely labor intensive, and costly. Currently available technology makes it possible to enhance foreign operations by providing quick, up-to-date, and comprehensive intelligence to selected foreign offices.

Intelligence access systems via DARS, operational for domestic investigations since 1972, have improved the overall effectiveness of drug investigations directed against major drug trafficking organizations. A DARS capability overseas will provide the same positive results that have been experienced in domestic operations.

DARS in overseas offices, tied to the Department of State's teleprocessing system, will reduce the amount of agent time required to teletype or telephone to the United States for intelligence data. MADIS searches of current information will be immediate. This quick response capability, extremely cost-saving in agent time, will provide a vital investigative tool which can contribute to increased cooperative case development.

Southwest Asian Heroin Thrust

Additionally, 10 positions and \$551,000 is requested for investigative activity directed against Southwest Asian heroin trafficking. Of this request, \$500,000 is for Special Field Intelligence Programs (SFIP).

The purpose of this request is to provide new positions and additional funding to directly impact the workload anticipated to be generated by the Southwest Asian heroin traffic. These positions are requested for the foreign cooperative investigative efforts in Europe and Southwest Asia to be as close as possible to the source of the problem.

In Southwest Asia—Pakistan, Afghanistan and Iran—an estimated 1,600 metric tons of illicit opium were produced in 1979. The high price paid for opium (about \$200 per kilogram in 1978) which led farmers to overplant and the excellent growing conditions were primarily responsible for the resultant bumper crop. Most of the opium was used or stockpiled in Southwest Asia and the Middle East, but the remainder produced the heroin which supplied addicts in Europe and the United States in significant amounts.

While opium production decreased in 1980, the new production combined with the stockpile from the large crop in 1979 will be sufficient to continue the threat of Southwest Asian heroin to the United States. Even though most of the Southwest Asian production is consumed in that part of the world, the balance for conversion to heroin for European and U.S. consumption is substantial.

It is estimated that 80 metric tons of diverted Turkish opium supplied the larger United States addict population in the late 1960's and early 1970's. At the height of the Turkish opium diversion, there was the potential for the production of 8 metric tons of heroin, as compared with the potential for production of 40-60 metric tons of heroin which could be produced from opium available from the 1979 crop in Southeast Asia.

Because of political instability and anti-American sentiment in Iran and Afghanistan, American officials cannot work effectively with officials in these countries to prevent the production of illegal opium and heroin.

The dramatic increase in opium production in Iran, Afghanistan and Pakistan has seriously affected Europe and especially West Germany. In West Germany the number of heroin-related deaths increased ten times from 1974 to 1979. In 1974, 0.9 kilograms of heroin were seized. In 1979, approximately 100 kilograms were seized. From January to December 1980, 165 kilograms have been seized. Heroin has become so freely available in West Germany that one kilogram sells for approximately \$50,000. Heroin of a similar quality sells in the United States for \$260,000 a kilogram.

Intelligence data indicates that Southwest Asian heroin is showing up in increasing quantities at many United States cities.

Activity: Enforcement of Federal Law and Investigations	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	VI Amount	Pos.	VI Amount	Pos.	VI Amount	Pos.	VI Amount
Compliance and regulation.....	408 401	\$15,215	408 403	\$15,837	408 403	\$15,837	...	...

Long-Range Goal: Reduce to the maximum extent possible the diversion of legitimately produced controlled substances into illicit channels, and to ensure that State and local agencies are equipped to adequately control practitioner diversion.

Major Objectives:

- Ensure that every registrant adheres to the Controlled Substances Act (CSA) and its implementing regulations by:
 - Conducting investigations of high-level registrant violators.
 - Conducting cyclic investigations with emphasis on the diversion of specific substances.
 - Monitoring and approving all imports or exports of controlled substances and analyzing the data collected.
 - Conducting pre-registrant investigations of all applicants for DEA registration.
 - Assisting and training the States in registrant diversion matters.
 - Promoting local Pharmacy Theft Prevention programs and reducing the number of drugs diverted through registrant theft.
 - Promoting voluntary compliance through presentations, publications, and participation in professional meetings.
- Maintain foreign regulatory programs to prevent the diversion of pharmaceuticals in international trade.
- Evaluate currently controlled or new drugs of abuse to make timely and accurate decisions concerning placement of the drugs into appropriate schedules, to establish production quotas for Schedule I and II substances, and fulfill all United Nations reporting and drug review requirements.
- Process all Automated Reports and Consolidated Orders System (ARCOS) data, either alone or in combination with other information systems, and analyze the data so as to identify registrants involved in major diversion.
- Register all legitimate handlers of controlled substances and issue order forms for the purchase of Schedule I and II substances.
- Destroy unwanted controlled substances in an organized, timely fashion.

Base Program Description: As a part of its responsibility to protect the health and general welfare of the American people, the Federal Government must respond to the problem of diversion of controlled substances from legitimate channels. Over 300 million prescriptions were written for psychoactive drugs in 1979; it is estimated that over eight million Americans use legitimate drugs for non-medical purposes. The problem of drug diversion is addressed by both Federal and State governments. The Federal effort is directed primarily at the upper level of the distribution chain, the manufacturers and distributors, whereas the States' responsibilities lie in monitoring and enforcing compliance at the retail level. The fact that 90% of the diversion now occurs at the retail level indicates that the States have not been able to maintain effective controls against diversion.

DEA has the responsibility to regulate every legitimate (i.e., licensed and registered) handler of controlled substances in the United States. This is a closed system of distribution. Pre-registration investigations are made of those individuals or firms who request to become handlers of controlled substances. Registration may be sought for activities ranging from those of a bulk manufacturer of controlled raw materials to dispensing or administering by a pharmacy or a doctor. These individuals or firms are subject to continual scrutiny and annual reregistration.

Based on analysis of data collected by DEA and data provided by the Food and Drug Administration, DEA annually determines the total amount of raw material for any basic class of Schedule I or II controlled substance that can be manufactured in a given year. These aggregate production figures are then used in assigning a quota to each registered manufacturer.

Manufacturers, distributors, and Narcotic Treatment programs within this closed system are periodically investigated by DEA to ensure compliance with regulations to prevent diversion. Importers and exporters are scrutinized in much the same manner, with the additional consideration of import/export permits and declarations. DEA also monitors hospitals, pharmacies, practitioners, researchers, and analytical laboratories, for excessive purchases and unusual activities for investigative referral or joint action with the States.

As required by law, DEA conducts investigations on all applicants for DEA registration. Cyclic investigations are generally performed every three years to uncover security breaches, inventory discrepancies, and other diversions of illicitly-produced drugs. In response to the widespread diversion and abuse of certain specific substances, a coordinated national effort is needed to reduce the diversion of these substances in concert with the more traditional cyclic approach. The major thrust of this program, designated the "Drug Oriented Investigation" (DOI) program, is to track the distribution of a targeted drug from the bulk manufacturer through the legitimate chain to the retail level, with coordinated action nationwide at the distribution levels. The objectives are first, to significantly reduce the diversion and abuse of dangerous drugs through successful regulatory and/or criminal actions, and second, to document indiscriminate and over-prescribing practices to support rescheduling and/or strong quota action.

In October 1979, DEA initiated Operation Script, a pilot program to identify and prosecute major registrant violators. This action was prompted by recent Congressional hearings and a previous General Accounting Office recommendation which indicated that practitioner-type registrants constitute a significant area of white collar crime. At stake is the annual diversion of approximately 200 million dosage units. Preliminary results of Operation Script indicate that Geo-Drug Enforcement Program (G-DEP) criteria can be successfully applied to DEA registrants. The targeting of major registrant diversifiers is accomplished by analyzing and evaluating ARCS data in combination with other information systems and merging that information with field intelligence in major American cities.

The Pharmacy Theft Prevention program is designed to mobilize area pharmacies, police, government, and media in a joint community action effort to suppress pharmacy thefts. The DEA has noted an alarming increase in violent crimes associated with drug thefts. In 1981 the DEA will explore new approaches which may have a positive impact on this significant area of diversion. The Voluntary Compliance program, through presentations and publications, supports and fosters self-regulation and self-enforcement among the regulated industries and professions. Assistance and training provided to the States includes a review of each State's ability to act against diverters to identify areas which could be improved. DEA is required to destroy, or witness the destruction of, unwanted, surplus, or seized stocks of controlled substances. Import/export permits are issued, or denied based on quotas, treaties, and international laws.

International diversion is becoming a major problem. DEA has assigned two compliance investigators to foreign countries to establish and maintain liaison with host country law enforcement officials and pharmaceutical industry representatives (these positions are included under the Foreign Cooperative Investigations program). The investigators, experts on regulatory matters, serve as advisors/consultants to foreign governments in establishing national compliance programs.

Drug scheduling activity involves the gathering and evaluating of data, obtaining Department of Health and Human Services (DHHS) recommendations, publishing notices in the Federal Register, and holding hearings as necessary. Production quotas for Schedule I and II substances are set based on data from established reporting systems, the regulated community, and special surveys. To meet United Nations reporting requirements, information is derived from various sources, including quota applications, manufacturing activity letters, and quarterly reports from opium and coca leaf processors. In addition to the established reporting requirements, effective in 1981, the United Nations Psychotropic Convention requires that DEA conduct drug reviews of specific substances. These drug reviews will be performed by the pharmacologists now devoted to scheduling activities.

All legitimate handlers of controlled substances are registered annually with DEA, and order forms are provided to appropriate registrants for the purchase of Schedule I and II substances.

The following systems enable DEA to track and gauge the extent of drug abuse, and identify registrant targets:

- Automated Reports and Consumed Orders (ARCOS) - A computerized reporting system of all transactions of wholesale distributors, importers, exporters, and manufacturers of selected controlled substances. ARCOS tracks substances from point of sale, distribution, export, or disposition to the dispensing level.
- Drug Abuse Warning Network (DAWN) - Enables the Government to gauge the extent of drug abuse episodes reported by hospital emergency rooms and medical examiners.
- Project LABEL - All labelers who market controlled drug products are required by DEA to update their product information, which is then compiled, computerized, and published every two years.

The clientele directly served by this program are the registrants (manufacturers, distributors, and practitioners) which now number more than 600,000. In fact, the Compliance and Regulation program serves all American citizens by ensuring that there are sufficient quantities of controlled substances manufactured to meet medicinal requirements and by controlling the distribution of these substances to prevent their diversion into illicit channels.

Accomplishments and Workload: The Compliance and Regulatory work is directed to monitoring manufacturers, distributors, and dispensers of controlled substances, for diversion of legally manufactured drugs. During the first six months of 1980, 422 cyclic and 627 pre-registrant investigations were conducted. Approximately 80 complaint investigations were conducted. These resulted in 150 letters of reprimand, 32 administrative hearings, 20 criminal arrests, 10 civil complaints, and 147 other actions such as surrender of registrations and requests for revocation. As of August 1980, fines and civil penalties amounted to \$2,665,800. In one case a \$2,300,000 civil penalty was levied against a registrant for recordkeeping violations. In another, a physician, head of a million-dollar drug-related enterprise was indicted. The physician had diverted a million dosage units of Schedule II controlled substances.

These compliance and regulatory accomplishments were brought about by measures such as those described below:

- "Operation SCRIPT", an entirely new approach to identifying and apprehending major registrant-diverters, was initiated. At present 94 "pre-selected" registrants suspected of large-scale diversion are the targets of SCRIPT. Although still in a trial status, six indictments and ten convictions (accounting for diversion of 12 million dosage units) show that the "targeting" techniques used are very successful. They are now being refined to identify Class I and II registrant-diverters.
- Internationally, a seminar on "Diversion of Legitimately Produced Pharmaceutical Substances in International Commerce" was held in Vienna. This initiative, conceived and developed by the United States, provided DEA an opportunity to encourage closer working relationships between countries. The locations, and the kinds and amounts of resources to be committed to preventing diversion of pharmaceuticals in international trade are being evaluated. The seminar will insure that DEA maintains its role as leader in suppressing international illicit trafficking.
- Three "Drug Oriented Investigations" were initiated. These are aimed at three specific, nationally-abused drugs, methaqualone (Quaaludes), hydroxyzine (Dilaudid), and phendimetrazine at all levels of the legitimate distribution chain. Results of this program—regulatory and criminal actions, and documentation of indiscriminate and over-prescribing practices (needed to support rescheduling and more restrictive quotas) will significantly reduce diversion and abuse of these drugs.
- Anorectic substances (psychostimulants) were also reviewed and DEA has recommended that phendimetrazine, phentermine, and diethylpropion be placed on Schedule II, and that anorectic indication be removed from Preludin. (Abuse and trafficking data on nine anorectics were given to the World Health Organization.)
- P2P, the amphetamine/methamphetamine precursor, was placed on Schedule II. This action will decrease the illegal manufacture and therefore, the availability of the drug and allow for prosecution of illicit lab operators who have not yet reached the final stages of the drug manufacture.
- Data completed on diazepam (Valium) was sent to the Food and Drug Administration (FDA) for assessment of whether more restrictive control would be beneficial.

• The Voluntary Compliance program continues to promote self-compliance among 600,000 registrants. The ways and means by which the registrants can comply with the Controlled Substances Act is stressed in this program. DEA, actively participating at national, regional, and state professional meetings where mutual problems, new regulations and their application, interpretations and other matters helping in the compliance and regulatory education of registrants are covered. The DEA/Regulatory Boards Working Committee was formed, bringing to five the number of such committees. "Guidelines for Prescribers of Controlled Substances" has been published and distributed.

• The Drug Abuse Warning Network (DAWN), Automated Reports and Consumated Orders System (ARCOOS), Project LABEL, and the Registration system data have been used extensively in that 2,500 reports have been sent to Federal, State, and private sector organizations.

Program measures include the following:

Item	Estimates		
	1979	1980	1981 1982
Compliance investigations:			
Regulatory.....	912	844	1,033 1,235
Targeted.....	130	163	163 163
Pre-registrant investigations (non-practitioner).....	1,194	1,414	1,350 1,370

National manpower being brought to bear against the illicit drug traffic is increased and made more efficient if State, local, military, and other Federal law enforcement agencies can be sufficiently trained or brought up to date in the skills peculiar to drug law enforcement and suppression. This approach also frees Federal resources for concentration on high level national and international drug trafficking organizations.

Changing strategies, like the increasing emphasis on the financial aspects of drug enforcement, require an intensified effort through an increase in specialized training programs so that new techniques can continue to be conveyed to these non-DEA participants to provide more effective means of controlling the drug abuse problem.

DEA provides basic, advanced, specialized, management, leadership, and methods of instruction training in the field of drug law enforcement to State, local, military, and other Federal law enforcement officials. The general public and community leaders are reached with publications, displays, and conferences concerning the prevention of drug abuse.

Accomplishments and Workload: During the past three years, training requests have increased three-fold at the regional level. Because of the increased availability of Southwest Asian heroin, and cocaine and marijuana traffic from South America, trafficking in many States is on the increase and is projected to continue. As the traffic increases, the need for more professional and sophisticated drug law investigative units becomes important. Two new programs were developed in 1980: one to teach drug unit supervisors the application of leadership and management in a drug enforcement setting and one to teach regulatory personnel administrative and criminal actions useful in prosecuting violative registrants at the retail level.

Program measures include the following:

Item	Estimates		
	1979	1980	1981 1982
State and Local and Other Federal Officials:			
Training programs conducted by headquarters.....	45	26	20
Training programs conducted by regions.....	114	182	137 70
Trainee days.....	44,647	49,565	53,362 25,213

Program Changes: In order to maintain employment in 1982 at the current level, reductions of nine positions (5 agents and 4 clerical positions) and \$247,000 for personnel-related costs are proposed to offset increases in higher priority programs. This reduction will not affect the high-impact and multiplier-effect programs conducted by headquarters, such as the Supervisory Training course and Drug Enforcement Officers Academy, the graduates of which train narcotic enforcement officers in their local departments.

Activity: Enforcement of Federal 1981 Appropriation
 Subactivity: Law and Investigations Anticipated
 State and local assistance

1982 Base		1982 Estimate		Increase/Decrease			
Perm.	WT	Perm.	WT	Perm.	WT		
Pos.	Amount	Pos.	Amount	Pos.	Amount		
35	\$1,958	35	\$2,078	30	\$1,898	-5	-\$100

Long-Range Goal: Provide support to other Federal, State, and local law enforcement agencies engaged in drug prosecutions through analysis of drug evidence; and assist other Federal, State, and local agencies to achieve forensic analytical self-sufficiency.

Major Objectives:

- Provide expert testimony in courts relative to analytical findings for prosecutive purposes.
- Provide quantitative and qualitative analysis of drug evidence to comply with State Speedy Trial provisions.
- Provide analytical drug reference standards where there is no commercial source.
- Conduct ballistics examinations of tablets and capsules to identify common origins of clandestinely produced dosage units and to identify illicitly manufactured dosage units diverted to the illicit market.
- Assist the Federal Bureau of Investigation (FBI) by providing reference materials for their centralized automated data system for the on-line retrieval of infrared spectral data — Criminalistics Laboratory Information System (CLIS).
- Assist State and local laboratories to achieve self-sufficiency through the following:
 - Publication of technical information and participating in national and local forensic science meetings.
 - Providing technical assistance in the analysis of problem samples.
 - Providing specialized technical training.

Base Program Description: The State and Local Laboratory Services program is responsible for providing technical assistance to State and local agencies which is beyond the expertise of the forensic laboratory servicing the agency and for helping State and local forensic laboratories achieve self-sufficiency in the analysis of drug evidence for criminal investigations and prosecutions. Additionally, DEA Laboratories assist other Federal agencies such as the Naval Investigative Service, Army Criminal Investigation Division, Marine Corps, National Park Service, Immigration and Naturalization Service, and General Services Administration through the analysis of drug evidence and by providing expert court testimony.

This program includes seeking means to upgrade the analytical capabilities of State and local laboratories. When State and local agencies cannot provide proper laboratory services or need technical assistance in the development of prosecutive presentations and cross-examination of defense expert witnesses, DEA offers assistance. The major component is the analysis of drug evidence for duly constituted State, county, and municipal law enforcement agencies, assuring that cases developed will not be dismissed for want of competent laboratory support. This program in conjunction with other assistance programs will help focus State and local law enforcement attention on the appropriate response to the drug problem.

Additionally, DEA assists other agencies to achieve forensic analytical self-sufficiency by conducting training in drug analytical techniques; publishing and distributing the scientific newsletter Microgram providing intelligence and technical information to the forensic community; publishing technical information in scientific journals; participating in national and local forensic meetings; and providing analytical drug reference standards.

This program also analyzes drug exhibits in a timely manner to assist in complying with State Speedy Trial provisions in support of prosecutions, provides expert testimony and conducts highly specialized ballistics analysis of tablets and capsules to identify common origins of licit and illicitly produced dosage units diverted to the illicit market.

DEA renders forensic analytical support to the Metropolitan Police Department, Washington, D. C. (MPDC). Approximately half of the drug exhibits DEA analyzes for other agencies are submitted by the MPDC, which is completely dependent on DEA for forensic drug analysis. Related to this analytical commitment is the resultant need to offer expert witness testimony in the D.C. Superior Court.

In general, other evidence analyzed within the State and local program is of an unusual or difficult nature which is analyzed by the DEA laboratory system as an aid to State and local forensic laboratories less capable of performing such analyses.

Accomplishments and Workload:

Program measures include the following:

Item	Estimates		
	1979	1980	1981
Drug exhibit analyses.....	11,074	11,767	8,400
Ballistics examinations.....	237	246	300
Issues of <u>Microgram</u>	12	12	12
Training conducted.....	4	4	4
Court appearances.....	238	213	175
Evidence turn-around time (days).....	22	30	34
Evidence backlog.....	1,150	1,350	1,350

Program Changes. In order to maintain employment in 1982 at the current level, reductions of five positions (3 chemists and 2 clerical positions) and \$180,000 for personnel-related costs are proposed to offset increases in higher priority programs.

With the loss of five positions in 1982, some aspects of this program will be supported at less than current levels. Forensic analytical support to the Metropolitan Police Department of Washington, D.C. will continue. The minimal operational requirements of other Federal agencies will be met. Analysis of State and local drug evidence will be provided for essential and significant cases within time requirements; however, general increases in backlog of exhibits and in evidence turn-around time are expected. Additionally, reduced levels of support to non-prosecutive programs such as in-depth analysis, an integral aspect of conspiracy case development; technical or scientific service to domestic crime laboratories; and determination of source identifications of the diversion of legitimate drugs will receive a partly result.

Activity: Enforcement of Federal law and investigations Subactivity: State and local assistance	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
State and local task forces....	208	\$18,487	208	\$16,232	200	\$14,779	-8	-\$1,453

Long-Range Goal: Support the Federal drug enforcement effort by increasing the effectiveness, in selected jurisdictions, of State and local activities aimed towards disruption of all levels of illicit trafficking.

Major Objectives:

- Develop in each task force jurisdiction an effective cadre of State and local officers thoroughly trained and experienced in proven drug enforcement techniques.
- Focus the task force investigative efforts on all levels of violators of the priority drugs of abuse.
- Achieve, within the framework of the drug priorities, a measurable upgrading of the level of the violators being targeted in task force cases.
- Develop and maintain positive management direction and control to effect maximum utilization of resources throughout the entire Task Force program.
- Increase the number of State and local officers with on-the-job training through rotation of personnel assigned to task forces.
- Provide actionable intelligence to task force participants.
- Encourage and motivate State and local agencies to plan, program, and budget for a greater proportion of support costs for task forces.

Base Program Description: The DEA State and Local Task Force program combines the efforts of Federal enforcement personnel with those of State and local police in selected cities. The primary objective of these cooperative enforcement activities is to disrupt the middle and lower levels of the drug traffic, with emphasis on heroin trafficking. The task forces operate under DEA supervision and control and are manned by State and local officers. Investigations are conducted within the framework of DEA policy and procedures, and cases are prosecuted in Federal or State courts, as appropriate. Further, DEA field offices cooperate with State and local authorities in their area on a selective basis.

Other State and local cooperative activities are reflected in this program. A relatively small portion of the domestically assigned agents conduct cooperative cases with State and local police officials, especially in non-task force cities. Furthermore, various liaison activities may be carried out between DEA personnel and State and local authorities. An estimate of special agent workyears based on time spent on these activities is assigned to this program.

DEA's rationale for its efforts to stimulate drug enforcement action at the State and local level has been that State and local drug enforcement is an essential part of the national drug strategy because:

- State and local police, due to their large aggregate numbers, can add greatly to the absolute number of people in the field who operate against the illicit traffic;
- State and local police are dispersed throughout the nation and therefore can provide full geographic coverage;
- State and local efforts can disrupt the retail illicit market, keep dealers cautious, and increase the cost of their operations, and thereby discourage experimental users from progressing to chronic abuse;
- State and local enforcement and Federal enforcement both develop investigatory leads, informants, and intelligence which are of value to the other and which can be exchanged, thus strengthening the efforts of both, increasing the absolute knowledge of both, and providing a source of validation of existing knowledge to both.

State and Local Task Forces bring DEA agents and State and local police officers together into cohesive organizational units in diverse areas of the country in order to assure attention to drug enforcement, inter-departmental and inter-agency cooperation, and intelligence exchange on a continual basis.

Clients served by this program are DEA, State and local police agencies, and the public.

Accomplishments and Workload: During 1990, the number of arrests in Class I and II cases represented approximately 33% of the total task force and cooperative arrests. This is consistent with stated objectives since the primary task force efforts are directed toward mid-level traffickers.

Program measures include the following:

Item	Estimates		
	1979	1980	1981
Total State and local cooperative arrests.....	4,120	4,283	4,130
a. State initiated.....	1,370	1,833	1,788
b. Task Force initiated.....	2,750	2,450	2,342

Program Changes: In order to maintain employment in 1982 at the current level, reductions of eight positions (6 agents and 2 clerical positions), \$55,000 in personnel-related costs, and program funds of \$1,100,000 primarily for support of State and local officers engaged in cooperative Federal/State/local drug enforcement activities are proposed to offset increases in higher priority programs.

Management, operational direction, and control of the State and Local Task Forces to include advice, assistance, on-the-job training, and conduct of enforcement operations in a reduced number of task force areas and participation in cooperative investigations on a selective basis will be carried out at the reduced 1982 resource level.

DEA proposes, so far as practicable, with State and local support, to maintain a productive State and Local Task Force program. The aim is to preserve the central institution building aspects of the program.

Activity: Enforcement of Federal law and investigations Subactivity: State and local assistance	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Diversions investigative units...	24	\$1,651	24	\$2,104	21	\$1,771	-3	-\$333

Long-Range Goal: Assist the States in reducing the legitimate drugs diverted to the illicit market through continued efforts to establish Diversion Investigative Units (DIUs) in the various States, thus motivating and assisting the States to carry out the task.

Major Objectives:

The major objectives of assisting and motivating the states in reducing the legitimate drugs diverted to the illicit market can be achieved through the following:

- Expand to new States as rapidly as possible.
- Insure through evaluations that established DIUs are functioning in a mission-oriented, productive manner.
- Assure, insofar as possible, that established DIUs continue to function beyond the seed funding period and become permanent functions of the States.
- Provide the necessary training to State investigators and prosecutors as continuing encouragement for the States to assume the program responsibility.

Base Program Description: The DIU program was established in 1972 to encourage the States to upgrade their capability to deal with the retail diversion problem. The program is implemented through agreements with the individual States. Experience has shown that the long-range goal cannot be quickly achieved. A DIU is essentially a complex package of actions and alternatives to a State's regulatory, enforcement, prosecutive, and sometimes legislative apparatus. Through the DIU, which serves an entire State, and the medical and pharmaceutical professions, errant doctors and pharmacists are apprehended and appropriate criminal or licensing action is taken. The DIUs are composed of investigators drawn from State law enforcement agencies, State regulatory agencies, and DEA. There are two new DIUs anticipated in 1981 and in 1982 which will bring the total DIUs established to 26.

The program entails the installation and maintenance of a fully equipped and trained law enforcement body within a State whose mission is to suppress practitioner-level diversion. DEA's mission in this regard is to increase the States' capabilities to carry out these suppression efforts. It accomplishes this mission primarily through the development of criminal cases against diverting practitioners. The DIU is a strike force composed of investigators drawn from the State law enforcement agencies, the State regulatory agencies, and DEA. DEA provides training, the services of a full-time special agent, funds for equipment and operations, and investigative support. The funding is normally for a 24-month period. At the end of this seed period, the State, based on its evaluation of the project, decides whether to continue its DIU through alternate sources of funding.

The current methods of achieving the program objectives fall into three categories:

- **Program implementation** - includes extensive negotiations and continuous planning carried out in as many non-DIU States as feasible. This activity requires as much lead time as possible to allow the States sufficient time for orchestration of a DIU program through various State mechanisms.
 - **Program evaluation and monitoring** - after awarding of assistance funds, there is a responsibility of programmatic and financial monitoring. Basic training is provided to State investigators and prosecutive personnel. Also, key State administrative personnel are trained in the technical and financial aspects of Federal assistance. On-site evaluations assure that technical and programmatic objectives are met. A national DIU conference is held each year where participating States and DEA officials discuss and resolve common issues.
 - **Program continuation** - begins after the Federal assistance period but prior to the inception of the DIU. In selected instances, DEA has provided transitional funds to allow for State legislative bodies to review the accomplishments of the DIU and allocate State funds. These instances are encountered in States that have bi-annual legislative sessions that overlap the Federal funding period. Minimal special agent manpower is assigned to these projects for as long as the DIU remains a viable entity within the State.
- Continuation is the key segment of the process. Federal funding is meant to provide start-up resources with the State ultimately establishing the DIU as an operating entity. To date only one State has not been able to continue the program.
- With the emergence of "poly-drug" abuse, the diversion of legitimately produced drugs looms as an increasing facet of the illicit drug traffic. Intelligence estimates place the extent of this diversion at about 200 million dosage units per year. The vast majority of this diversion is occurring at the practitioner level, where Federal controls are weakest. Due to legal

and resource restraints imposed on the Federal government, suppression efforts at this level have been relegated to the States. DEA is assisting the States to become capable of assuming this burden.

The clientele served are the entire population of each DLU State and the medical and pharmaceutical professions specifically. Through the DLU, errant doctors and pharmacists are apprehended, and unsuspecting ones are made aware of the problem of retail diversion.

Accomplishments and Workload: Management improvements have progressed steadily since the inception of the DLU program. Reporting mechanisms, including the use of Geo-Drug Enforcement Program (G-DEP) classification, have been instituted to provide for better monitoring of DLUs. The measurement of effectiveness against program goals has been expanded to include regional data. Statistical reporting has also been instituted to provide the capability to measure the program on a cost/benefit basis.

In 1980 two DLUs (Arkansas and Indiana) were added to the 20 already established. Since inception (1972) the program has brought about 3,145 arrests and has seized 11 million dosage units.

Program measures include the following:

	1979	1980	Estimate 1981 1982
New DLUs established.....	2	2	2
Total DLUs established.....	20	22	24 26

Program Change: In order to maintain employment in 1982 at the current level, reductions of three agent positions, \$101,000 in personnel-related costs, and program funds of \$232,000 are proposed to offset increases in higher priority programs. Resources are available for the establishment of two new DLUs in 1982, which will increase the number of State investigators dedicated to curtail the diversion problem.

Training associated with two DLUs would provide expertise to approximately 50 State investigators as well as to a cadre of prosecutors, thus enabling the State to become more involved in a local problem.

1981 Appropriation Anticipated

Activity: Intelligence	1982 Base		1982 Estimate		Increase/Decrease		
	Perma. Pos.	Amount	Perma. Pos.	Amount	Perma. Pos.	Amount	
Intelligence.....	387	\$18,940	387	\$18,634	366	\$17,797	-21 -21 -\$837

Long-Range Goal: Maintain a national narcotics intelligence system which provides a wide range of tactical, operational, and strategic intelligence services and products required by DEA and other Federal, State, and local agencies for use in policy development, planning, and enforcement operations which promote the most effective use of resources.

Major Objectives:

- Support law enforcement operations through the identification and analysis of traffickers, their financial arrangements and their organizations, with emphasis on the most sophisticated conspiracy organized crime, Racketeer Influenced Corrupt Organization (RICO), and Continuing Criminal Enterprise (CCE) investigations.

- Collect and disseminate strategic intelligence which is oriented towards the timely identification of the trends, magnitude, and characteristics of the illicit drug threat, as well as the early identification of major shifts in international trafficking patterns.

Base Program Description: The Intelligence program encompasses the collection, collation, analysis, production, and dissemination of drug-related intelligence. It supports DEA headquarters and field activity as well as other Federal, State, local and foreign efforts to suppress the illicit movement of drugs. Intelligence is supplied in a systematic way and includes the assessment of vulnerabilities of traffickers, as well as data for various policy determinations and management strategies.

Tactical/Operational Intelligence

Intelligence analysts review "raw material" provided by operational personnel, extract and organize information, collate data, identify trafficking relationships, and discern trends. The resulting intelligence may be provided informally to case-making personnel, or it may be turned into finished products such as rosters of major violators and organizations, networks, profiles, situation reports and strategic reports.

Tactical/operational intelligence analysis enables DEA to discern changes in drug trafficking patterns, identify the sources of illicit drugs, and penetrate the highest levels of criminal organizations.

Special Field Intelligence Programs (SFIAs) are a part of tactical/operational intelligence. SFIAs help to ensure coverage of all aspects of drug trafficking and fill critical gaps in information world-wide. Priority is given to areas not covered by routine enforcement efforts. Emphasis is placed on operations relating to source areas, processing, transshipment, and distribution in order to provide comprehensive information from source area to market. Intelligence provided by SFIAs identifies and defines the scope of a problem and eventually gives direction to enforcement operations.

Strategic Intelligence

The strategic intelligence program provides for the analysis of information from a variety of sources to determine the impact of drug control programs, anticipates problems or changes, and develops estimates and trends. Finished products are disseminated to law enforcement managers world-wide. Publications include the Weekly Digest of Narcotics Intelligence, the Quarterly Intelligence Trends, the National Narcotics Consumers Committee (NNCC) Estimate and Executive Summary, Heroin Signature Report, Drug Theft Analysis, Performance Measurement System, Statistical Report, Offender Base Tracking System, and Domestic Monitor Reports.

The National Narcotics Consumers Committee (NNCC) was established in March 1978 to coordinate intelligence collection requirements and produce joint intelligence assessments or estimates. DEA chairs this committee, which has representation from the Federal Bureau of Investigation, Immigration and Naturalization Service, U.S. Coast Guard, Treasury Department, U. S. Customs Service, Internal Revenue Service, the State Department, and White House Staff. The Central Intelligence Agency and National Security Agency serve as observing members. The primary functions of the NNCC are: (1) to develop, validate, and standardize narcotics intelligence collection requirements for inter-agency use, and (2) to produce joint intelligence predictions, estimates, studies, and other reference materials on narcotics suited to the needs of policy-makers and managers.

Also encompassed within the strategic intelligence function is the PARFINDER system (a component of the National Narcotics Intelligence System) which is a multi-phased project designed to access and retrieve intelligence data. Its principal objective is to provide DEA intelligence, enforcement, and El Paso Intelligence Center (EPIC) programs with a totally integrated and centralized capability for automated storage, retrieval, and analysis of all source information relevant to illicit drug activities. As discussed under the Domestic Enforcement base program description, this system will be consolidated with the MADDIS and CSA regulatory systems. This unified system will become fully operational in 1983.

El Paso Intelligence Center

The El Paso Intelligence Center (EPIC), established in 1974, is an interagency interdiction support and intelligence exchange operation administered by DEA with participation by the Immigration and Naturalization Service, U.S. Coast Guard, U.S. Customs Service, Bureau of Alcohol, Tobacco, and Firearms, Federal Aviation Administration, Federal Bureau of Investigation, U.S. Marshals Service, Internal Revenue Service, and 44 State agencies.

Functions at EPIC include (1) watch activity which provides time-sensitive intelligence around the clock in support of field enforcement units and (2) analysis of events in context to establish trends, trafficking patterns, trafficking routes, and profiles of traffickers with emphasis on drug movement.

EPIC has the facilities to identify, track, and interdict private aircraft and vessels suspected of moving drugs from the Caribbean/Central American area. EPIC also provides intelligence support to interagency interdiction operations at the Federal, State, and local levels, such as the Customs Narcotics Intelligence Priority program and DEA's Florida Air Interdiction program.

Domestic Regional Intelligence Activities

DEA field offices maintain intelligence exchange programs with local law enforcement organizations. These programs vary with the special circumstances of each area. Regional intelligence programs provide direct on-site support to both DEA and local enforcement personnel. Support is also provided through liaison with other Federal, State, and local enforcement as well as DEA headquarters and other DEA field offices.

DAWN Contract

The Drug Abuse Warning Network, a project to identify drug abuse patterns, has been funded jointly by DEA and other agencies for a number of years. DAWN will become the responsibility of the National Institute of Drug Abuse (NIDA) in 1982.

Accomplishments and Workload: Intelligence continues to be a valuable resource for investigators as the complexities of drug trafficking conspiracies and financial maneuvering are penetrated. Although analyses have become more difficult because of the deepening international scope of the trafficking and money flows, estimates of illicit production, distribution, and profits are increasingly more reliable. Intelligence publications, special area studies, drug situation reports, and threat assessments continue to receive wide acceptance both here and abroad.

Tactical/Operational Intelligence

During the past year, major violators handbooks--books compiled to target major drug traffickers--have been updated. Situation reports have been published on smuggling, diversion, special geographic areas, and various topical issues. Reports on specific traffickers and their organizations have been published for use by investigators and prosecutors. Extensive analytical support has been provided to entities addressing the Southeast Asian heroin threat, including the Special Action Office/Southeast Asian Heroin (SAO/SHA), CENTAC 23 and 25, a Special Field Enforcement Program, and DEA management. In addition, intelligence personnel provided assistance to other CENTACs and to special enforcement operations such as the Joint Customs/DEA operation BOUNRY/FALCON. (A DEA intelligence specialist was assigned full-time to U.S. Customs Service headquarters to facilitate information exchange.)

The bi-monthly Dangerous Drugs Activity Report and the Annual Clandestine Laboratory Seizure Report were published, and, in cooperation with the Department of State, the Drug Identification Handbook was published for worldwide distribution.

The number of collection operations in the Special Field Intelligence Program has increased from 36 in 1974 to 46 in 1980.

Strategic Intelligence

Finished intelligence products included the Weekly Digest of Narcotics Intelligence and the Quarterly Intelligence Trends, economic and financial analyses, statistical reports, and a variety of special reports. The third editions of the National Narcotics Intelligence Estimates and the National Narcotics Intelligence Consumers Committee Report were published. (These reports are the most comprehensive and authoritative estimates on the supply and value of illicit drugs.)

The application of the Heroin Signature program, that enables DEA to identify the source of heroin in the traffic, was broadened—significantly enhancing DEA's capability to provide current intelligence on heroin trafficking and availability. The Domestic Monitor program, which was conducted initially in New York City to obtain information relating to the type, purity, and price of street level heroin, was so successful that it was expanded to include seven more cities.

El Paso Intelligence Center (EPIC)

EPIC improved upon the highly successful aircraft and vessel tracking programs while continuing to provide intelligence support to interagency interdiction operations. EPIC resources are now used by 44 State agencies and six major Federal agencies including the U.S. Customs Service. The positive response rate on transactions has risen to 33% for State and local requests and 36% for DEA requests. DEA, U.S. Customs Service, and State and local usage have risen significantly in the last year.

Program measures include the following:

Item	Estimates		
	1979	1980	1981 1982
Trafficking networks developed 1/.....	137	253	240 230
Trafficker profiles completed 2/.....	3,418	1,845	2,300 2,100
Enforcement targets identified 3/.....	26,978	25,016	29,000 28,000
El Paso Intelligence Center (EPIC) watch transactions 4/.....	126,000	164,000	170,000 180,000

1/ Network analysis - Analysis of relevant data on a group of related persons or organizations involved in illegal drug activities.

2/ Trafficker profile - Data on and characteristics of an individual associated or suspected of association with illegal drug trafficking.

3/ Target - Identification of individual/organization for appropriate action by DEA or other law enforcement agencies.

4/ Watch transaction - A request for specific background information by DEA and other participating agencies from EPIC's multiple data base or the placement of a lookout on drug violators, aliens, suspect aircraft, vessels, and other means of transport used in smuggling activities.

Program Changes: A proposed reduction of 21 positions (12 intelligence analysts, 5 professional/technical positions, and 4 clerical positions) and \$837,000 in personnel and related costs is included for this program in 1982, to reflect resources applied at the current time; thereby deferring implementation of planned enhancements in intelligence products. These reductions will not affect current level support to EPIC and priority areas such as the Southwest Asian heroin threat.

Activity: Research and development	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Research and development.....	26	25	26	25	19	18	-7	-7
		\$773		\$2,014		\$1,835		-\$179

Long-Range Goal: To keep DEA programs in the forefront of advancing technology, both to counter the usage of technology by criminal elements and to further the security activities and operations of the agency itself. This is accomplished through DEA's enforcement, intelligence, and regulatory programs by providing scientific and technological data, by analyzing DEA's program and systems procedures, and by providing engineering development and services for equipment and systems.

Major Objectives:

- Develop new or improved technology and procedures to increase efficiency of agency field operations by conducting applied scientific research and engineering development.
- Increase the quantity and quality of investigative evidence by providing quick-reaction (ad hoc) support to current field operations and special services in the areas of evidence tape processing and short-term investigative equipment modification and development.
- Improve scientific data collection and analyses of agency plans, programs, and threats by conducting systems analyses, performing operations research, and applying other scientific analytical methodologies.
- Provide scientific and technological information, training, coordination, and liaison services for DEA and other law enforcement agencies.

Base Program Description: This program supports DEA's enforcement, intelligence, and regulatory programs by providing scientific and technological data, by analyzing DEA's programs and procedures, and by providing engineering development and services for equipment and systems. The clients served by this program are primarily DEA enforcement, intelligence, and regulatory activities, as well as other Federal, State, local, and foreign law enforcement agencies.

The Research and Development program has three major program elements.

- The Operations Research and Analytical Studies program element attempts to improve scientific data collection and analyses of agency plans, programs, and threats by conducting systems analyses, operations research, other scientific analytical methodologies, and the provision of scientific and technological information, training, and liaison services.
- The Technology Development program element involves the application of new and improved technology and procedures to increase the efficiency of agency field operations by conducting applied scientific research and engineering development necessary to meet long-term operational requirements.

- The Quick Reaction Support program element objective is to increase the quantity and quality of investigative evidence by providing technical Quick Reaction Support (QRS) for application on current investigations, and to support ad hoc requests for short-term technical development and special engineering services (tasks). The output of this program is directed towards more efficient utilization of enforcement resources by minimizing the manpower required to conduct investigative operations, thus improving the quality and quantity of evidence, and protection of personnel.

Accomplishments and Workload:

The quantitative accomplishments of this program are as follows:

• Research and Analyses

Studies completed in 1980 include:

- The analysis of the threat and vulnerability to the DEA radio communications network.
- An evaluation of the operation and utilization of the Drug Abuse Warning Network (DAWN) program.
- Development of the first stage of a communications master plan for the five-region command control structure.
- An analysis of the vulnerability of the DEA Automated Data Processing System to unauthorized access and specific recommendations to counter the threat.
- An assessment of the technical and economic feasibility of providing DEA overseas offices with access to the DEA Automated Teleprocessing System/Narcotics and Dangerous Drugs Information System network.

Tasking efforts completed in 1980 include:

- An engineering and operational evaluation of Secret Service Voice Privacy Equipment.
- An economic analysis of the various alternatives of bulk evidence disposals.
- A technical analysis of all of the Office of Internal Security file systems and the feasibility of conversion to automatic data processing.
- An analysis of the health hazards associated with exposure to paraquat contaminated marijuana.

In addition, two major programs initiated during 1980 will be completed during 1981. These include:

- Initiate hardware modification of Secret Service Voice Privacy System for use on the DEA radio network.
- A study of the feasibility of employing earth orbiting communication satellites to extend the range of DEA radio communications.

• Technology Development

- Covert Automatic Tracking (CAT) System Project: The CAT project is directed at developing a covert system capable of tracking cooperative and non-cooperative vehicles, and displaying their locations on a map at a remote location. Implementation of a cooperative system in 1981 will be accomplished.
- Boat Tracking Project: The purpose of the boat tracking project is to develop systems capable of providing early warning of vessels suspected of carrying contraband cargo which are approaching the United States mainland. A Satellite based system will be fully operational in 1981. The operational system was defined in 1980.

- Personal Duress Alarm Project: The duress alarm is a radio system capable of providing a means for an undercover agent to summon assistance covertly from nearby agents in the event of an emergency. Production contracts completed in 1980 with hardware provided to field elements for operational use.
- Audio Surveillance Kit Project: The audio surveillance kit provides a highly flexible and portable audio monitoring and recording capability to field agents. Operationally deployed during 1980 to DEA field elements.
- Radio Controlled Switch Project: The radio controlled switch will provide a system with a miniaturized receiver capable of being remotely directed to switch electrical circuits on and off. Operationally deployed during 1981.
- Pen Transmitter Project: The pen transmitter will provide a means of remotely monitoring conversations. The receiver/transmitter will be contained in a writing pen. Operational deployment in 1981.
- VHF Transmitter Project: The object of this effort is to develop a miniature, modular, multi-functional VHF transmitter which will be compatible with DEA tracking and audio receivers. Operational deployment by 1982.
- Telebug Project: Telebug will provide a covert, short-range surveillance link utilizing commercially available entertainment-type radio receivers and cassette recorders. Operational deployment in 1982.
- Video Surveillance Kit Project: The video surveillance kit will consist of a miniature, remotely controlled surveillance camera with a radio frequency (RF) data link. Operational test and evaluation during 1982.
- High Technology Positive Audio System Project: The objective of this project is to incorporate state-of-the-art technology into the development of nominal 1 gigahertz frequency audio surveillance system. Operational test and evaluation during 1982.
- Air Wing Technical Support: The objective of this project is to provide technical support to the Air Wing in the areas of communications, navigation and search, and surveillance systems and techniques. Ongoing effort: Omega navigation system completed in 1980, surveillance camera system in 1981, upgraded navigation and radar systems in 1981 and improved sea search and surveillance equipment during 1982.

* Technical Services

Effectiveness of this program can be measured in terms of agent security and safety, reduction in surveillance workhours, location of clandestine laboratories, and higher quality evidence for use by prosecuting attorneys.

The effectiveness of this service is evident, both in terms of the number of requests received and operational results. In 1977, 80 QRS and 12 tasks were completed; in 1978, 148 QRS and 9 tasks; in 1979, 174 QRS and 14 tasks; in 1980, 180 QRS and 16 tasks, and in 1981 and 1982, 190 QRS and 19 tasks, and 200 QRS and 17 tasks, respectively, are anticipated.

Program Change: In order to maintain employment in 1982 at the current level, reductions of seven positions (6 professional-technical and 1 clerical position) and \$179,000 in personnel-related costs are proposed to offset increases in higher priority programs. The critical elements of the Research and Development program will be met. Other projects will have their initiation dates deferred and projects will be stretched-out.

Activity	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Support operations.....	174	173	\$8,591	174	174	\$9,058	174	174	\$9,058	...	...	...
DEA laboratory services.....	29	28	2,276	29	28	2,350	26	25	2,209	-3	-3	-\$181
DEA training.....	119	115	11,373	119	116	12,131	119	116	12,631	...	...	1,500
Technical operations.....	322	316	22,240	322	318	23,579	319	315	24,888	-3	-3	1,319
Total.....												

This activity encompasses laboratory analysis of evidence in support of investigation and prosecution of drug traffickers; training programs for all levels of DEA operational personnel; and provision of technical investigative resources and expertise at levels commensurate with DEA's enforcement initiatives and strategies.

Activity	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
DEA laboratory services.....	174	173	\$8,591	174	174	\$9,058	174	174	\$9,058	...	...	...

Long-Range Goal: To support the enforcement mission of DEA through analysis of drug evidence and related forensic services by satisfying the forensic laboratory needs of DEA's enforcement, intelligence, and compliance and regulation activities. Additionally, foreign drug law enforcement officials will receive the training and assistance required to complement and enhance the accomplishment of the mission of DEA.

Major Objectives:

- Comply with the Speedy Trial Act of 1974 by timely analysis of drug evidence.
- Contribute to the successful prosecution of drug law violators through the presentation of expert testimony in court.
- Provide field assistance (clandestine laboratory investigations and seizures and vacuum sweeps) to special agents and compliance investigators.
- Assist in the development of conspiracy cases, the monitoring of foreign drug distribution patterns, and the determination of origin of controlled substances in illicit channels by conducting in-depth and signature analyses.
- Provide information on the retail level price and availability and the domestic distribution patterns of heroin through signature analysis of Domestic Monitor program evidence.

- Improve forensic capabilities of law enforcement agencies worldwide by conducting a series of technical assistance programs, providing leadership in international communications among forensic scientists, and assisting foreign countries in the prosecution of drug law violators.

Base Program Description: The DEA forensic laboratory system, which is comprised of seven regional laboratories and the Special Testing and Research Laboratory, is responsible for accomplishing the following: analyzing drug evidence; providing expert scientific testimony for prosecutive purposes; participating in clandestine laboratory investigations and seizures and vacuum sweeps for traces of drugs; conducting in-depth and signature analyses of drug evidence; providing scientific assistance; providing photographic capabilities; providing examinations for latent fingerprints; conducting special training; and conducting ballistics examinations of tablets and capsules for source identification.

Encompassed within the DEA Laboratory Services program is the System to Retrieve Information from Drug Evidence (STRIDE). This is a series of inter-related computer systems designed to support enforcement and intelligence operations through the processing of data generated by the eight DEA laboratories. STRIDE provides data regarding evidence examined by DEA laboratories to produce information which is used to determine trends in drug abuse and trafficking of narcotics, to warn of new drugs of abuse, and to identify common sources of illegal drugs. The system is also used to provide information on illegal distribution of illicitly produced drugs, data on the availability of drugs on the street, statistics on drug removal, and a system for monitoring the locations of evidence items. Information from the system is provided to local, State, Federal, and foreign law enforcement agencies. STRIDE is also a management tool to assist in measuring laboratory effectiveness and allocating resources.

The sub-systems of STRIDE are:

- Laboratory analysis program
- Ballistics program
- Laboratory manpower utilization program
- Evidence inventory program

The expeditious analysis of drug evidence and the presentation of expert testimony in court is essential to the successful investigation and prosecution of drug law violators and is therefore the primary purpose of the DEA laboratory system. The timely analysis of drug evidence is an integral aspect of DEA's compliance with the Speedy Trial Act of 1974.

DEA forensic chemists also provide field assistance (clandestine laboratory investigations and seizures and vacuum sweeps) to special agents and compliance investigators.

DEA's laboratories are called upon with increasing frequency to provide information on the retail level availability of illicit drugs and trends of the United States illicit market. In March 1980, DEA terminated the Retail Level Drug Program (RLDP) which required the qualitative and quantitative analysis of street level heroin samples to obtain price/purity data. The Domestic Monitor Program, which replaced the RLDP, requires subjecting street level heroin samples to signature analysis. This approximately triples the time of analysis for each exhibit, but provides strategic intelligence information on country of origin determinations in addition to price/purity data at the retail level.

Accomplishments and Workload: The major output of laboratory support is the analysis of drug evidence to satisfy investigative and prosecutive needs. The clients served are DEA's enforcement, intelligence, and regulatory personnel and forensic laboratories world-wide.

Program measures include the following:

Item	Estimates		
	1979	1980	1981 1982
Drug exhibit analyses.....	18,692	21,394	19,600 19,600
Ballistics examinations.....	810	1,199	1,000 1,000
Heroin Signature analyses.....	1,149	1,142	1,200 1,200
Training conducted.....	1	...	1 1
Court appearances.....	576	678	600 600
Field assistance on clandestine laboratory raids.....	126	163	130 130
Evidence turn-around time (days).....	12	14	14 14
Evidence backlog.....	900	1,500	2,100 2,100
Domestic Monitor program analyses.....	...	398	840 840

Activity: Support operations

1981 Appropriation	Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
DEA training.....	29	\$2,276	29	\$2,990	26	\$2,209	-3	-\$181

Long-Range Goal: Develop and maintain a sophisticated and professional workforce to perform the tasks indigenous to DEA and to provide leadership in drug law enforcement by providing entry level and specialized training to DEA personnel. Entry level training programs provide skills without which DEA mission mandated activities either could not be done or could not be done effectively. Ongoing advanced and specialized skills training programs serve the function of improving and updating the ability of personnel to respond to new legislation, current problems and policies, encouraging career development, and assuring that mission related tasks are performed by appropriately trained personnel.

Major Objectives:

- Provide entry level training for DEA special agents, compliance investigators, and intelligence analysts.
- Provide advanced investigative and specialized skills training for investigative and technical personnel of DEA.
- Provide in-service video tape and sound/slide programs for use by all occupations within DEA.
- Provide supervisory and mid-level management training for appropriate personnel of all occupations within DEA.

Base Program Description: This program provides entry level and specialized training for DEA personnel to build and maintain a sophisticated and professional workforce capable of providing leadership in drug law enforcement. As mandated to DEA by the Controlled Substances Act of 1970, this training will insure the availability of well-trained personnel to perform those functions in a manner that takes advantage of the most modern and innovative techniques known to counteract increasingly sophisticated drug traffickers. Operational personnel must receive training at all levels of career development in order to perform the specialized tasks unique to the Drug Enforcement Administration.

The clientele served are agency personnel and the general public through an adequately trained investigative force.

Accomplishments and Workload: Effective with 1982, a portion of DEA's training program will be conducted at the Federal Law Enforcement Training Center (FLETC) in Olmstead, Georgia. Significantly, a special training program was set up after 21 U.S.C. 881 (a)(6) was enacted in 1979, in which 1,000 special agents were trained in the financial aspects of drug trafficking. By the end of 1981, all special agents will have received this training. Also, an In-Service Individualized Training and Testing program, started in 1979, was expanded in 1980. Among the subjects covered are: search and seizure, laws of arrest, forfeiture proceedings, management, communications, personnel, and computer sciences. To respond to enforcement trends, special courses were taught in the techniques of investigating clandestine laboratories with emphasis on safety in dismantling seized laboratories.

Program measures include the following:

	1979	1980	Estimate
			1981 1982
DPA Personnel:			
Entry Level Training Programs.....	6	5	6 5
Advanced and Specialized Skills Programs.....	27	41	29 10
Foreign Language (Individuals).....	60	103	75 75
Audio Visual Instruction Productions.....	2	6	10 8
Trainee Days.....	18,258	11,345	14,310 13,335

Program Changes: In order to maintain employment in 1982 at the current level, reductions of three professional/technical positions, \$111,000 in related personnel costs, and \$70,000 in program funds, are proposed to offset increases in higher priority programs.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perma.	WY	Amount	Perma.	WY	Amount	Perma.	WY	Amount	Perma.	WY	Amount
Activity: Support operations												
Technical operations.....	119	115	\$11,373	119	116	\$12,131	119	116	\$13,631	...	...	\$1,500

Long-Range Goal: Provide technical investigative resources and expertise at levels commensurate with DEA's enforcement initiatives and strategies; fully support enforcement and intelligence activities by providing investigative equipment, specially trained personnel, and a responsive radio communications system; and provide responsive and effective air support of DEA investigations.

Major Objectives:

- Secure DEA's Ultra High Frequency (UHF) and High Frequency/Single Side Band (HF/SSB) systems through the installation of voice privacy devices.
- Provide support, whether it be direct technical/investigative assistance or equipment, at all levels of DEA's law enforcement activities.
- Provide sufficient technical personnel to properly maintain, install, and monitor the performance of DEA's investigative and radio communications equipment.

- Achieve and maintain a ratio of one portable radio for every two special agents and supply 90% of DEA's special agents with mobile radios.
- Meet DEA's long-range communications needs by operating an HP/SSB network.
- Provide training in conjunction with the Office of Training to special agents and technical personnel on technical investigative and radio equipment.
- Implement a five region radio communications system to properly support DEA's law enforcement personnel.
- Maintain an accurate inventory of technical, investigative, and radio communications equipment to ensure the maximum utilization of equipment by DEA law enforcement personnel.
- Assist other Federal, State, and local law enforcement agencies with equipment and expertise on a priority basis.
- Maintain an aircraft fleet of sufficient numbers and of appropriate operational characteristics to support the DEA enforcement mission.
- Maintain a cadre of highly qualified and safety conscious pilots, possessing a knowledge and understanding of the enforcement mission of DEA and of the requirements of the surface units they support.

Base Program Description: The Technical Operations program provides for the utilization of effective technical investigative equipment, operational communications support, specialized surveillance equipment, and air support. This program enhances investigatory effectiveness at higher levels of the drug traffic and assists in providing for agent safety.

Encapsulated within the Technical Operations program is the DEA Air program. Drug traffickers are growing more and more sophisticated in conducting their illegal activities. Their use of aircraft, boats, electronic equipment, and counter surveillance techniques presents DEA and other law enforcement agencies with serious investigative and security problems. In order that DEA personnel are properly equipped to cope with violators, it is essential that aircraft be available, not only to counter the use of aircraft by violators, but as a means of conducting surveillance, of gathering intelligence, and of operating undercover to penetrate trafficking organizations.

Air to ground surveillance by aircraft cannot be duplicated with any other type of equipment. Increased communication and safety is an added benefit of carrying out many of these activities with air support. Finally, many surveillance and special assignment missions could not be carried out at all without the use of aircraft. One DEA aircraft with a crew of two agents can conduct a cross-country surveillance on a drug-laden vehicle thereby releasing as many as six ground vehicles and twelve agents for other assignments.

The development, deployment, maintenance, and knowledgeable use of technical and support equipment permits investigations to continue which might otherwise be impeded, enables surveillance to take place in a less expensive and more effective manner, and protects operational personnel engaged in dangerous assignments. As examples: a concealed transmitter worn by an

undercover agent can convey intelligence to other agents regarding impending danger and clandestine negotiations; and radio communications equipment transmitting intelligence during surveillance and other enforcement activities keeps the agent abreast of potentially dangerous situations and cognizant of all other activities taking place.

Accomplishments and Workload: The Technical Operations program supports DEA's complex investigative activities. Radio and investigative equipment is used in every phase of enforcement operations to enhance investigations and to provide a safer environment for DEA's law enforcement personnel.

The Secure Teletypewriter System, which supports DEA's investigative elements, carried 160,000 transmissions during 1980. Twelve new teletypewriter sets were installed, bringing the total to 100.

Nearly one thousand requests for technical investigative assistance and equipment were answered. This support was instrumental in the arrest of over 1,200 violators of which 75% were Class I and II. Support involved Title III and pen register installations, container tracking devices, video and audio surveillance, and long-range communications in operations in Central and South America, the Caribbean, and Asia.

In the area of voice privacy for the DEA radio communications network, a vulnerability study was completed which demonstrated a need for a secure radio system. Preliminary testing of the voice privacy equipment began in Baltimore in May of 1980.

Program measures include the following:

Item	Estimates		
	1979	1980	1981
Technical operations direct case support.....	978	990	1,000
Preventive and corrective maintenance trips performed by			
In-house personnel.....	...	270	270
Aviation personnel.....	4,089	4,200	4,200
Aviation missions completed.....	3,496	3,600	3,600

Program Changes: Increases of \$1,000,000 to provide additional secure voice privacy radio communications to the DEA Ultra High Frequency (UHF) radio system, and \$500,000 to provide for the establishment of an aircraft replacement program are included for this program in 1982.

Voice Privacy

This request is an enhancement of the program approved and begun in 1981.

The increased security provided by voice privacy equipment will reduce the probability of radio interception by illicit drug violators, the media, and hobbyists. The effect of this security will be the increased investigative efficiency of DEA's special agents and the increased safety afforded these agents during the conduct of their duties.

Studies conducted by DEA have documented the vulnerability of DEA radio communications to eavesdropping by electronic monitoring devices. These devices range from highly-sophisticated electronics eavesdropping and countermeasures devices to \$250 scanners available to anyone at numerous retail outlets. Both the sophisticated and the relatively inexpensive eavesdropping devices threaten the safety of DEA special agents and cooperating individuals and expose complex investigations to compromise.

Aircraft Replacement

The request provides for the purchase of eight single engine aircraft to implement a phased replacement plan. By 1982, over 57% of the current fixed-wing single engine fleet will be over 16 years of age with more than 66% over 10 years old. DEA's total aircraft will not be increased. Forty aircraft are owned by DEA.

It is estimated that over 4,200 air missions will be requested in 1982 as compared to 4,099 in 1979. Fewer missions are being completed due to aircraft being unavailable, attributable to the T-41 aircraft being unsuitable for flight in adverse weather conditions or because of range and speed limitations, or high down-time. It is anticipated that by 1982 maintenance costs will have increased considerably because of inflation.

With replacement aircraft, more missions could be completed under most weather conditions, ferry time can be reduced, increased versatility is provided, lease of aircraft is reduced, overall safety would be improved, and overall operating costs reduced.

With the acquisition of newer, larger single engine aircraft, it would be possible to fulfill the role of the T-41's, plus carry more passengers/cargo/fuel, traverse more terrain in less time, be more conducive to undercover operations, and reduce aircraft rental costs. An effective aircraft replacement program responsive to operational needs, provides increased air capability and potentially reduces the number of agents required for ground surveillance operations. DEA estimates that one aircraft with a spotter can be more effective than four to six automobiles attempting the same surveillance on the ground.

Based upon past performance, the aviation program has the capability to fulfill approximately 85% of the missions requested. With a modernized aircraft fleet, 10% more support missions can be attained. Furthermore, one aircraft type could perform several functions that are not possible with the T-41's because of limitations of size, speed, and lack of instrument flight capability. Additionally, the new aircraft would also provide a basis for standardization with the accompanying benefits of reduced spare parts, inventory maintenance, and pilot training costs.

Activity: Program direction	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	YI Amount	Pos.	YI Amount	Pos.	YI Amount	Pos.	YI Amount
Executive direction and control.....	277	\$10,845	277	\$11,193	263	\$10,846	-14	-\$347
Administrative services.....	120	5,561	120	5,924	113	5,761	-7	-163
Total.....	397	16,406	397	17,117	376	16,607	-21	-\$520

This activity includes the resources dedicated to the overall administration and management of the Drug Enforcement Administration and consists of the following two programs: Executive Direction and Control and Administrative Services. Included are the elements of policy development and implementation; Congressional and public affairs; legal counsel; management direction; program planning and evaluation; budget preparation and financial management; internal security; field evaluation; freedom of information and privacy; personnel resources management; equal employment opportunity; medical and safety programs; and general administrative support services.

Activity: Program direction	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	YI Amount	Pos.	YI Amount	Pos.	YI Amount	Pos.	YI Amount
Executive direction and control.....	277	\$10,845	277	\$11,193	263	\$10,846	-14	-\$347

Long-Range Goal: Maintain and develop management functions which effectively and efficiently develop and implement agency policy, and enhance the decision-making process.

Major Objectives:

- Provide management direction and control through policy development, organizational and program planning, and improved management systems.
- Monitor and evaluate all priority programs within DEA.
- Develop legislative and administrative proposals as a means of improving the functioning of the criminal justice system.
- Provide budget formulation, execution, and administrative capabilities and improve control of expenditures.

- Direct and coordinate administrative control and service functions.
 - Provide information to specific interest groups, Congress, and to the general public, regarding DEA's mission and activities.
 - Reduce the instances of integrity misconduct breakdowns within DEA and provide and maintain a secure environment for DEA employees and property.
 - Provide Congress the information necessary to carry out legislative and oversight responsibilities.
 - Provide full range of legal services to DEA management and agency personnel.
 - Process all Freedom of Information/Privacy Act (FOI/PA) requests in a manner which will allow DEA to show that a good faith effort is being made to comply with the law, and to adequately defend DEA's position in FOI/PA litigation.
- Base Program Description: In addition to policy development, guidance, and direction provided by the Administrator and Deputy Administrator, the Executive Direction and Control program is currently carried out as follows:
- Developing awareness of Federal drug enforcement among the public.
 - Providing the Congress the material necessary for it to conduct, on a fully informed basis, its legislative and oversight responsibilities in the drug law enforcement area.
 - Providing management direction, guidance, and support through sound organizational planning and control, improved management systems, and record management.
 - Providing sound day-to-day management in the areas of administrative, medical, and safety services; financial analysis and personnel management; manpower management; and procurement and transportation.
 - Evaluating priority programs within DEA and assuring a viable management system, and coordinating all DEA evaluations to prevent duplication and insure comprehensiveness.
 - Providing for the allocation and control of financial resources through financial planning, budget formulation, resource justification, budget report preparation, special analyses, appropriation accountability, and financial data collection and dissemination.
 - Providing and preparing agency responses to requests made pursuant to the FOI/PA through use of teams of specialists and temporary duty (TDY) assignments of special agents.

- Reorganizing the legal counsel area to achieve greater uniformity in processing workload and maximizing the areas of specialization, and making greater use of the Department of Justice, Justice Retrieval Information System (DOJ-JURIS) research computer as an integral part of its office research activities.

- Insuring the integrity of DEA personnel through a prompt and thorough investigation of possible illegalities or misconduct on the part of any employee, and the employment of a set of preventive programs designed to discourage integrity breaches, criminal behavior, and/or misconduct.

DEA has a public responsibility to apply its resources in the most efficient, economical, and effective manner possible. Inherent in this responsibility is the concept of accountability for actions and performance which can only be achieved through proper executive direction and control.

The immediate clients served by this program are the personnel of the Drug Enforcement Administration, while the ultimate clients are the American public, other Federal, State, and local law enforcement organizations; other Federal departments; and foreign governments.

Accomplishments and Workload: Increased appearances by DEA at public Congressional hearings (domestic and foreign) and increased contacts with members and their staffs has led to greater awareness by the Congress of the nature, scope, and needs of drug law enforcement. In turn, this awareness has led to recent enactment of legislation pertaining to phencyclidine and piperidine, forfeitures and seizures, increases in marijuana trafficking penalties, legislation aimed at stopping illegal drug trafficking on the high seas, and to the activities of law enforcement personnel overseas.

The system of management accountability conferences between the Administrator and his top managers was expanded to include both domestic and foreign regional offices.

Tables of Organization have been developed and refined to provide for uniform job structuring, position classification, the attainment of realistic supervisory and professional/clerical ratios, and a more effective approach to monitor average grade controls for certain disciplines.

Closer supervision of the FOI request backlog and use of more effective management techniques have increased the average number of completions per specialist from four to eight per month. The establishment of consistent policy and effective organization has reduced both the number of administrative appeals and the percentage of modifications on DEA's original action. The creation of a litigation capability has allowed for adequate response to the increasing number of FOI/PA lawsuits.

Program Changes: In order to maintain employment in 1982 at the current level, reductions of fourteen positions (12 professional-technical positions and 2 clerical positions) and \$347,000 in personnel-related costs are proposed to offset increases in higher priority programs.

High priority requirements will be fulfilled through a redistribution of workload.

1981 Appropriation Anticipated	1982 Base			1982 Estimate			Increase/Decrease					
	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount				
Administrative services.....	120	117	\$5,561	120	119	\$5,934	113	112	\$5,761	-7	-7	-\$173

Long-Range Goal: Provide effectively and efficiently the following administrative services for all DEA elements: personnel, health and safety, employee development, equal employment opportunity, equipment needs, and general support services.

Major Objectives:

- Promote an effective and efficient personnel operation in all areas of responsibility.
- Provide necessary medical services and promote an effective safety program.
- Provide for the prompt, fair, and impartial consideration and disposition of EEO complaints, increase the representation of minorities and women at all levels and apply the principles of Equal Employment Opportunity through implementation of an affirmative action program.
- Acquire and maintain adequate facilities, vehicles, supplies, and equipment.
- Provide various other general support services.

Base Program Description: The Administrative Services program provides the necessary support services to enable the Drug Enforcement Administration to carry out its mission in the most effective and efficient manner possible.

All elements and personnel of the Drug Enforcement Administration are served by this program as follows:

- The Personnel Management function provides the following services: career planning, executive and employee development; employee and labor relations; pay and position management; and staffing and benefits management. Staff employees ensure that programs are properly written, interpreted, and disseminated, while operating employees ensure that programs are properly implemented. With passage of the Civil Service Reform Act (CSRA) many old policies have been rewritten and new policies have been formulated.
- The Medical program includes the scheduling of physical examinations of employees selected for overseas assignments and for their dependents. Physical examinations are also conducted on an annual basis for all special agents and chemists. Special attention is also devoted to job-related medical services and safety.

- The Equal Employment Opportunity (EEO) program continuously reviews all employment and management practices and procedures to assure elimination of any artificial or unnecessary barriers to the hiring, training, and advancement of members of underrepresented groups.
 - The EEO staff also gives prompt and impartial consideration to informal or formal complaints of discrimination in any aspect of employment.
 - Vehicles are replaced as they become either economically or mechanically deficient according to General Services Administration (GSA) criteria and DEA resource availability in order to maintain a safe and efficient motor vehicle fleet. Some additional needs are supplemented by suitable seized vehicle resources following administrative or judicial forfeitures.
 - The management and coordination of actions relating to facilities is carried out in cooperation with GSA.
 - The use of furniture and equipment at headquarters and in the field is monitored to insure that it is in good condition and properly utilized.
 - The requests for contracts and purchase orders are negotiated and executed to assure compliance with DEA policy and other government rules and regulations. The necessary services in the arranging of transportation for employees and property is also provided.
 - The maintenance of adequate stocks of office supplies, stationery, forms, directives, and manuals through a receiving and warehousing activity is operated; a variety of office furniture and equipment moves at headquarters are conducted. A headquarters "in-house" offset printing facility is operated; and all incoming, outgoing, and interagency mail is received, processed, and distributed among appropriate headquarters elements and/or other agencies.
 - Visual and audiovisual services are provided through an "in-house" graphic arts program. Requirment's which exceed "in-house" capabilities are reviewed, coordinated, and contracted out to approved commercial vendors.
 - Reference materials (journals, Congressional reports, etc.) relating to narcotic and dangerous drug research activities are acquired and a cataloging/retrieval system for this information is maintained.
 - The Administrative ADP systems provide information and reports in such areas as Vehicle Management, Drug Abuse Reporting, Defendants Statistics, FBI Narcotic Reporting, Privacy Act, Colling Control, and other managerial functions.
- Accomplishments and Workload:**
- As a result of the Civil Service Reform Act, a performance appraisal system has been established and work plans have been developed for all employees. A Federal Equal Opportunity Recruitment Program (FERP) Plan has been implemented, and all supervisors and managers have been briefed on the performance appraisal system and changes in disciplinary and adverse action procedures.
 - A program of career development for clerical, technical, and professional employees was initiated.
 - A DEA-wide recruitment plan for criminal investigators was written.
 - Permission was received from the Office of Personnel Management (OPM) to hire special agents under Schedule B appointing authority.

- The President signed an Executive Order exempting significant blocks of DEA personnel from participating in unions.
- Since 1978, utilization of the Medical Clinic has increased through providing annual physical examinations of agent and chemist personnel in the Baltimore-Washington areas for an overall cost reduction from that utilizing contract physicians.
- Although the Employee Assistance Program (EAP) has not yet been formally implemented, the project officer has maintained an active role since 1979 in providing assistance to DEA employees.
- Minorities in the work force increased from 14.6% in 1974, to 25.0% as of September 30, 1980. DEA has over 34% of all OS 1811 minority special agents in the Department of Justice. Women in grades GS-12 and above increased from 18 employees in 1977 to 119 employees as of September 30, 1980.
- The decentralization of the office space program to the field occurred which enabled headquarters personnel to direct more time to management and policy development.
- A central information center was established for personnel who are transferring or are currently assigned to overseas posts of duty.
- Complete financial and management controls were implemented regarding Permanent Change of Station (PCS) moves which reduced the number of complaints, reduced claims against the Government, and increased the quality of household goods carriers utilized by DEA.

Program Changes: In order to maintain employment in 1982 at the current level, reductions of seven positions (6 professional-technical positions and 1 clerical position) and \$175,000 in personnel-related costs are proposed to offset increases in higher priority programs.

High priority requirements will be fulfilled through a redistribution of workload.

DRUG ENFORCEMENT ADMINISTRATION

Status of Congressional Requests

Studies, Reports, and Evaluations

1. During 1980, the Senate Permanent Subcommittee on Investigations requested DEA to submit studies and reports of drug related murders, the U. S. Marshals Witness Security Program and Organized Crime Program to the Committee.

During March 1980, the Committee requested the Office of Congressional Affairs to task DEA field offices concerning all drug related murders during the last ten years. DEA field offices completed the requests using information supplied by local police departments. All of the information received has been forwarded to the Committee.

In June 1980, the Permanent Subcommittee on Investigations requested selected DEA field offices to prepare in-depth questionnaires concerning the U. S. Marshals Witness Security Program and Organized Crime Program. The questionnaires were completed by the field offices and reviewed by appropriate Headquarters Offices. At the request of the Department of Justice the questionnaires were submitted to the Department of Justice for review and submission to the Committee.

2. Title II of Public Law 95-533, the Psychotropic Substances Act of 1978, required the Attorney General to report sales, importation and thefts of piperidine to Congress on March 1, 1980. Public Law 95-559, Infant Formula Regulations, has extended the piperidine reporting indefinitely.

DEA reported to Congress in May 1980, and will continue to report as required.

3. In September 1980, the Senate Appropriations Committee for the Department of Justice requested a report to the Committee by January 15, 1981, on steps taken to implement the following: (1) DEA's most effective use of its asset forfeiture authority, (2) the Justice Department's modifying its dual prosecution policy with respect to narcotics traffickers, and (3) DEA's improving its joint narcotic investigative effort with the Internal Revenue Service.

DEA's report was submitted to the Department in January for consolidation and submission.

Drug Enforcement AdministrationPriority Rankings of Programs

Ranking of Base Programs		Ranking of Program Increases	
Ranking	Program	Ranking	Program
1	DOMESTIC ENFORCEMENT	1	DOMESTIC ENFORCEMENT
2	COMPLIANCE AND REGULATION INVESTIGATIONS	2	FOREIGN COOPERATIVE INVESTIGATIONS
3	FOREIGN COOPERATIVE INVESTIGATIONS	3	TECHNICAL OPERATIONS
4	INTELLIGENCE		
5	DEA LABORATORY SERVICES		
6	TECHNICAL OPERATIONS		
7	DEA TRAINING		
8	EXECUTIVE DIRECTION		
9	ADMINISTRATIVE SERVICES		
10	STATE AND LOCAL TRAINING		
11	STATE AND LOCAL TASK FORCES		
12	DIVERSION INVESTIGATIVE UNITS		
13	RESEARCH AND DEVELOPMENT		
14	STATE AND LOCAL LABORATORY SERVICES		

Drug Enforcement Administration

Salaries and Expenses

Summary of Adjustments to Base and Built-in Changes
(In Millions in Thousands)

	Per- Mans.	Work- Years	Amount
1991 as enacted.....	4,092	4,094	\$276,700
Supplementals requested:			
Pay schedule adjustment.....			\$17,276
Increased pay costs.....			-552
Reduction of 24 funded workyears.....			-1,200
Research and development program.....			-1,200
Pay schedule change of station.....			-1,200
Other work costs requested for other specialities.....			-121
Net pay supplemental.....			-24
Program supplemental requested:			
Southwest Asia heroin threat.....			8,790
GSA electronic services rate increase.....			5,240
Standard Level Year Charge (SLYC).....			1,300
Gasoline.....			1,400
Subtotal.....			6,734
Total program supplemental.....			8,766
1991 appropriation anticipated.....	20	15	8,224
Adjustments to base and built-in changes.....	4,112	4,095	223,944
Transfer of 100 workyears to General Fund share (Drug Abuse Warning Network) to the National Institute of Drug Abuse.....			-1,081
Uncontrollable increases:			
Annihilation of Federal 1991 program supplemental.....			5
Annihilation of Federal 1992 program supplemental.....			2,255
Annihilation of fifty-one positions approved in 1991.....			13
Restoration of President's Amendment.....			275
Walter Reed grade step increases.....			1,199
Health benefits.....			2
Federal Employees' Compensation Act (FECA).....			203
Standard Level Year Charge (SLYC).....			682
GSA recurring reimbursable services.....			1,076
Travel costs - airfare increases.....			112
Travel costs - airfare increases.....			1,311
Printing costs for the Federal Register and Code of Federal Regulations printing costs.....			27
Government printing and reproduction costs.....			16
Government printing and reproduction costs.....			3,412
Fair Labor Standards Act (FLSA).....			32
Permanent change of station.....			1,086
Foreign allowances.....			246
Contributed administrative support (AMS).....			1
Overseas mail transportation.....			1
Total uncontrollable increases.....			15,174
Decreases:			
Reduction of 100 workyears related to the requested 1991 supplemental.....			-3,103
Reduction due to lower Federal Communications Program billing for 1991.....			-108
Non-recurring items related to the 1991 Awarded Appropriation.....			-233
Total decrease.....			-3,444
1992 base.....	4,112	4,087	233,976

<u>Drug Enforcement Administration</u>		
<u>Salaries and Expenses</u>		
<u>Adjustments to Base and Built-in Changes</u>		
<u>(Dollars in thousands)</u>		
	Work- years	Amount
Transfers to and from other accounts:		
Transfer of DEA's program to measure drug abuse (Drug Abuse Warning Network) to the National Institute of Drug Abuse (NIDA).....	...	-\$1,081
The responsibility and total funding to contract for the data reflecting drug abuse patterns, will be reflected in the budget of NIDA. Previously this effort has been jointly funded by DEA and NIDA.		
Uncontrollable increases:		
1. Annualization of the proposed 1981 program supplemental.....	5	350
This provides for the annualization of \$250,000 for Purchase of Evidence/Payments for Information and 20 additional positions approved in 1981 for the Domestic Enforcement and Foreign Cooperative Investigations programs to combat the influx of Southwest Asian heroin into the American market.		
An additional \$100,000 is also included to fully fund the increased space rental costs for payment to General Services Administration which result from rate increases and the approval in 1981 of long-standing requests for changes in space allocations at locations throughout the United States.		
2. Annualization of October 1980 pay increases.....	24	2,555
This provides for annualization of the October 5, 1980 pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 of which three days (October 1-3, 1980) were not included in the pay raise. Of the pay raise amount \$11,216,000, \$2,426,000 was absorbed. The calculation of the amount required for annualization is:		
$\begin{array}{rcl} 3/261 \times \$11,216 & = & 129 \\ 1981 absorption & & 2,426 \\ \text{Total annualization} & & 2,555 \end{array}$		

Work- years	Account
13	\$375

3. Annualization of 51 additional positions approved in 1981.....		Annualization Required
Annual salary rate of approved positions.....	\$1,179,000	...
Less lapse (25 percent).....	-295,000	\$884,000
Net compensation.....	884,000	295,000
Associated employee benefits.....	119,000	29,000
Other personnel compensation.....	202,000	51,000
Total costs subject to annualization.....	1,205,000	375,000

4. Restoration of 1981 amendment.....	427
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This request provides for restoration of items deleted in the 1981 Amendment process.
Restoration of these reductions will permit DEA to provide for the following increases in
base availability:

- \$330,000 for one additional Diversion Investigative Unit
- \$377,000 for DEA Automated Teleprocessing System (DATS overseas)

5. Within-grade increases.....	1,159
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This request provides for an expected increase in the cost of within-grade step increases.
This increase is generally consistent with increases experienced within recent years and is
approximately one percent above the base for compensation and related benefits for permanent
positions. (Personnel compensation \$1,056,000 and benefits \$103,000 = \$1,159,000.)

Number of GS Positions	Annual Salary Rate	Pay at Base of Grade	Cost of Within- Grade	Lower Pay Scale Adjust.	Adjust. Cost of Within- Grades	Change from FY
1982	4,048	115,846	103,676	12,170	12,170	1,056
1981	4,089	115,560	104,466	11,114	11,114	-879
1980	4,051	104,998	94,005	10,993	11,993	-79
1979	4,188	99,451	89,053	116.1	12,072	-472
1978	4,338	98,344	88,028	121.6	12,544	...

	Work- Years	Amount
6. Wage-board.....	...	\$12
The increase of \$11,599 will provide for an average hourly increase of 46.4 cents for employees paid in accordance with prevailing wage rates.		
7. Health benefits costs.....	...	293
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on government costs. The requested increase of \$293,000 provides for payment of the average rate percent over the \$2,363,000 now available.		
8. Federal Employees Compensation Act (FECA).....	...	682
The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 billing will be \$2,232,000 or \$682,000 over the 1981 estimate of \$1,550,000.		
9. Standard Level User Charges (SLUC).....	...	1,876
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. The increase of \$1,876,000 provides for the same quality and quantity of space in 1982 as in 1981.		
10. GSA recurring reimbursable services.....	...	142
The General Services Administration provides additional heating, air conditioning, and guard service over normal requirements on a reimbursable basis. The requested increase of \$142,000 will provide the same level of service in 1982 as in 1981 which is \$1,078,000.		
11. GSA non-recurring reimbursable services.....	...	700
Renovations and alterations of existing space at several locations will require a one-time increase in non-recurring reimbursable charges to GSA of \$700,000 in 1982. These alterations will result in a \$500,000 reduction in the annual GSA bill for space.		

	<u>Work- Years</u>	<u>Amount</u>
12. Travel costs - airfare increases.....	...	\$1,311
Although airline fares are subject to less regulation as a result of the Deregulation Act, the regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$1,311,000 over the base of \$5,746,000.		
13. Printing costs for the Federal Register and Code of Federal Regulations printing costs.....	...	27
The Legislative Branch Appropriation Act of 1978 (P.L. 95-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations (CFR). The current cost estimates from GPO reflect an increase from \$320 per page to \$408 per page for the Federal Register. The requested uncontrollable increase provides the necessary increment to print 307 pages.		
14. GPO printing costs.....	...	16
The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$16,000 over the base of \$180,000.		
15. General pricing level adjustment.....	...	3,432
This request applies to OMB pricing guidance as of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.		

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	Work- years	Amount
16. Fair Labor Standards Act (FLSA).....	...	\$12
As a result of a study completed in late December 1979, it was determined that law enforcement officers are entitled to FLSA coverage after reaching 46.5 hours of work per week versus 50 hours per week used prior to the Department of Labor study. The Department of Justice payroll system was altered to trigger such coverage in January of 1980, however, the 1981 budget does not include funding for this increase. To compensate for the 1982 difference an increase of \$12,000 is requested for 115 eligible employees.		
17. Permanent change of station.....	...	322
In order to accomplish the minimum level of 365 required moves, an increase of \$322,000 is requested. This increase provides for the 1980 annualization of actual costs experienced for rate changes and inflationary value of property. The costs associated with the dramatic rise in property values has a direct impact on increasing the expense of purchase and sale of residences. Transfer companies and trucking firms in the transportation and shipment of household goods and related storage have been awarded rate increases this current operating period to provide for rising costs of fuel and labor.		
18. Foreign allowances.....	...	1,186
Standard regulations which apply to Government civilians in foreign areas state that certain allowances may be paid to personnel serving in civilian status overseas. These include: quarters allowance, post allowance, post differential, and education allowances. Amounts of these allowances are determined by the Department of State. The Department of State advises that a 15% increase in the cost of foreign operations is anticipated. The requested increase of \$1,186,000 includes \$686,000 to provide for the same level of benefits in 1982 as in 1981, and \$500,000 to adjust for a deficit based on actual payments exceeding the budgeted increases of 15% over the last three years.		
19. Distributed Administrative Support (DAS).....	...	246
Under the Foreign Affairs Administrative Support System (FAAS), an annual charge is made by the Department of State for administrative support items; the amount of this charge is determined by the Department of State. The Department of State advises that a 15% increase in DAS costs is anticipated.		

	Work- Years	Amount
20. Overseas mail transportation costs.....	...	\$41
An increase of \$41,000 or 52.6% over the 1981 estimate of \$78,000 is requested to cover the projected cost increase for services provided by the Department of Defense.		
Total uncontrollable increases.....	42	15,164
<u>Decreases (Automatic non-policy):</u>		
1. Non-recurring items related to the requested 1981 program supplemental.....	...	-3,100
2. Reduction due to lower Federal Telecommunications Systems billing for 1981.....	...	-196
3. Non-recurring items related to the 1981 Amended Appropriation.....	...	-755
- Purchase of motor vehicles for 40 agent positions requested in 1981 (\$199,000).		
- Purchase of technical investigative equipment for 40 agents requested in 1981 (\$51,000).		
- Purchase of mobile/portable radios for 40 agents requested in 1981 (\$75,000).		
- Purchase of operating equipment for 51 positions requested in 1981 (\$106,000).		
- Background investigations for 51 positions requested in 1981 (\$51,000).		
- Basic entry level training for 40 agents requested in 1981 (\$271,000).		
Total decreases.....	...	-4,049
Total, adjustments to base and built-in changes.....	42	10,074

Drug Enforcement Administration

Salaries and expenses

Financial Analysis - Program Increases
(Dollars in thousands)

Item	Domestic Enforcement		Foreign Cooperative Investigations		State and Local Training		State and Local Laboratories		State and Local Task Forces		Diversion Units		Intelligence	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades														
GS-12.....	26	\$700	7	\$189	5	-\$151	3	-\$81	6	-\$162	3	-\$81	12	-\$416
GS-11.....	...	...	3	66	...	...	...	...	...	...	...	...	...	...
GS-9.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GS-5.....	...	...	...	...	4	48	2	25	2	25	...	...	4	64
Total positions and annual rate.....	26	700	10	257	9	199	5	106	8	187	3	81	21	591
Other personnel comp. - Layee (-).....	...	133	...	36	...	23	...	24	...	31	...	15	...	27
	-6	-208	-3	-73	...	...	...	...	...	...	...	...	...	...
Total workyears and personnel compensation.....	20	625	7	220	9	222	5	190	8	218	3	96	21	618
Personnel benefits.....	...	73	...	66	...	20	...	10	...	17	...	8	...	83
Travel and transportation of personnel.....	...	149	...	146	...	6	...	4	...	7	...	...	...	18
Travel and transportation of third parties.....	...	25	...	49	...	...	...	...	...	...	...	...	...	7
Standard level user charges.....	...	81	...	...	...	27	...	15	...	25	...	...	...	43
Communications, utilities, and other rent.....	...	70	...	26	...	21	...	15	...	19	...	...	...	4
Printing and reproduction.....	...	246	...	470	...	29	...	6	...	158	...	229	...	45
Other services.....	...	59	...	31	...	8	...	...	...	9	...	...	...	15
Supplies and materials.....	...	2,377	...	93	...	14	...	...	...	...	...	...	...	...
Equipment.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total workyears and obligations, 1982.....	20	3,705	7	1,101	9	347	5	180	8	1,453	3	333	21	837

Drug Enforcement Administration

Salaries and expenses

Financial Analysis - Program Increases
(Dollars in thousands)

Item	Research and Development		ISA Training		Technical Operations		Executive Direction		Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS-12.....	...	-3	...	-831	...	...	...	...	...	...	1	-834
GS-11.....	...	...	...	...	...	...	...	...	...	...	3	68
GS-9.....	-7	-8130	...	...	...	...	-12	-8223	-6	-8112	-30	-576
GS-5.....	...	...	...	...	...	...	-2	-25	-1	-12	-15	-199
Total positions and annual rate.....	-7	-130	-3	-81	...	...	-14	-248	-7	-124	-41	-790
Other personnel comp.....	...	...	...	...	...	...	...	...	...	...	...	49
Lapses (-).....	...	...	...	...	...	...	...	...	...	...	...	-281
Total workyears and personnel compensation.....	-7	-130	-3	-81	...	...	-14	-248	-7	-124	-50	-1,022
Personnel benefits.....	...	-12	...	-8	...	...	...	-23	...	-11	...	-53
Travel and transportation of personnel.....	...	-2	...	-46	...	...	...	-5	...	-3	...	204
Travel and transportation of things.....	...	...	...	...	...	...	...	...	...	...	...	67
Standard level user charges.....	...	-22	...	-9	...	...	...	-43	...	-22	...	-195
Communications, utility time and other.....	...	...	...	-9	...	...	...	-11	...	...	...	17
Printing and reproduction.....	...	...	...	...	...	...	...	...	...	...	...	4
Other services.....	...	-12	...	-17	...	...	...	-15	...	-12	...	-87
Supplies and materials.....	...	-1	...	-8	...	...	...	-2	...	-1	...	-46
Equipment.....	...	...	...	-3	...	1,500	...	...	...	...	...	3,953
Total workyears and obligations, 1982.....	-7	-179	-3	-181	...	1,500	-14	-347	-7	-173	-50	2,276

Drug Enforcement Administration

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$55,388.....	1		1		...	
Executive Level V, \$52,750.....	1		1		...	
GS-18, \$50,112.....	2		3		1	
GS-17, \$50,112.....	12		11		-1	
GS-16, \$49,198-50,112.....	22		22		...	
GS/GM-15, \$44,547-50,112.....	147		147		...	
GS/GM-14, \$37,671-49,229.....	408		408		...	
GS/GM-13, \$32,048-41,660.....	746		746		...	
GS-12, \$26,951-35,033.....	1,192		1,193		1	
GS-11, \$22,486-29,236.....	217		220		3	
GS-10, \$20,467-26,605.....	10		10		...	
GS-9, \$18,585-24,165.....	156		126		-30	
GS-8, \$16,826-21,875.....	51		51		...	
GS-7, \$15,193-19,747.....	284		284		...	
GS-6, \$13,672-17,776.....	345		345		...	
GS-5, \$12,266-15,947.....	316		301		-15	
GS-4, \$10,963-14,248.....	134		134		...	
GS-3, \$9,766-12,700.....	40		40		...	
GS-2, \$8,951-11,265.....	7		7		...	
Ungraded positions.....	21		21		...	
Total, appropriated positions.....	4,112	\$115,946	4,071	\$116,212	-41	\$266
Pay above stated annual rates.....	...	372	...	372	...	...
Lapses.....	-126	-3,455	-93	-2,914	33	521
Net savings due to lower pay scales for part of year.....	...	-129	...	...	...	129
Net permanent.....	3,986	112,754	3,978	113,670	-8	916

Drug Enforcement Administration

Salaries and Expenses

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate Workyears	1981 Estimate Amount	1982 Estimate Workyears	1982 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Permanent positions.....	3,986	\$12,754	3,978	\$13,670	-8	\$916
11.3 Positions other than permanent:						
Part-time permanent.....	10	111	10	111	...	...
Temporary employment.....	29	324	29	324	...	...
Other part-time and intermittent employment.....	20	225	20	225	...	...
11.5 Other personnel compensation:						
Overtime.....	27	655	25	604	-2	-51
Administratively uncontrollable overtime.....	461	9,805	458	9,963	-3	158
Other compensation.....	...	521	...	521	...	...
11.8 Special personal services payments..	...	1,000	...	1,000	...	...
Total, workyears and personnel compensation.....	4,533	125,395	4,520	126,418	-13	1,023
12 Personnel benefits.....						
21 Travel and transportation of persons	17,055		19,227			2,172
22 Transportation of things.....	8,624		10,004			1,380
23.1 Standard level user charge.....	1,550		2,109			559
23.2 Communications, utilities, and other rent.....	12,976		14,827			1,851
24 Printing and reproduction.....	12,119		12,969			850
25 Other services.....	1,047		1,160			113
26 Supplies and materials.....	34,529		33,723			-806
31 Equipment.....	6,506		6,642			136
41 Grants, subsidies, and contributions	5,032		8,307			3,275
42 Insurance claims and indemnities....	670		768			98
Total obligations.....	225,603		236,254			10,651
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		31,387		35,698		
Obligated balance, end-of-year.....		-35,698		-39,519		
Outlays.....		221,292		232,433		

DEPARTMENT OF JUSTICE
Drug Enforcement Administration
Salaries and Expenses
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Drug Enforcement Administration
Salaries and Expenses

1982 Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N15	Salaries and expenses.....	\$236,254,000	-\$7,730,000	\$228,524,000

(In the appropriation language under the above heading delete "three hundred twenty-five passenger motor vehicles (of which three hundred ten are for replacement only)" and insert in lieu thereof two hundred seventy-seven (for replacement only).)

Drug Enforcement AdministrationSalaries and ExpensesSummary Sheet
(dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	4,071	4,057	\$236,254
Proposed amendment.....	-174	-145	-7,730
Revised request.....	3,897	3,892	228,524

Explanation of Request

This amendment reduces the request for the Compliance and Regulation, State and Local Task Force, and the Diversion Investigative Units programs. Included is a reduction of \$250,000 which assumes passage of amendment to the Cargo Preference Act to allow shipment of household goods on non-American vessels.

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Drug Enforcement AdministrationSalaries and ExpensesSummary of Requirements
(Dollars in thousands)

Comparison by Activity	1982 Request Pending		1982 Proposed		1982 Revised	
	Pos.	WY	Pos.	WY	Pos.	WY
1. Enforcement of Federal law and investigations:						
a. Domestic enforcement.....	1,937	1,929	1,917	1,914	1,917	1,914
b. Foreign cooperative investigations.....	355	352	355	352	355	352
c. Compliance and regulation.....	408	403	408	403	408	403
d. State and local assistance.....	291	285	291	285	291	285
2. Intelligence.....	366	362	366	362	366	362
3. Research and development.....	19	18	19	18	19	18
4. Support operations.....	319	315	319	315	319	315
5. Program direction.....	376	373	376	373	376	373
Total requirements.....	4,071	4,037	4,071	4,037	4,071	4,037

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

Activity: Enforcement of Federal law and investigations	1982 Request Pending			1982 Proposed Amendment			1982 Revised Proposed		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Subactivity: Domestic enforcement									
Item: Technical position and workyear adjustment..	20	15	..	-20	-15	..	...	...	...

This request is necessary to reflect a technical adjustment due to the deletion of the supplemental appropriation request for 1981.

Activity: Enforcement of Federal law and investigations	1982 Request Pending			1982 Proposed Amendment			1982 Revised Proposed		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Subactivity: Foreign cooperative investigations									
Item: Cargo Preference Act Savings.....	-\$250	...	...	-\$250

The Office of Management and Budget is seeking repeal of that portion of the Cargo Preference Act which requires the government to ship household effects on United States flag vessels.

Based on the normal turnover rate at foreign posts and the average differential between the costs for shipping on United States vessels versus foreign vessels, an average savings of \$2,500 per move results.

DEA on the average experienced 100 transfers to and from foreign posts of duty. Therefore, the approximate savings would be \$250,000 on an annual basis.

Activity: Enforcement of Federal law and investigations

Subactivity: Compliance and regulation	1982 Request Pending		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Item: Compliance and Regulatory program.....	408	\$15,837	-47	-\$349	361	\$15,488

These staffing reductions will be identified in activities which provide useful information, but do not affect the primary mission. Reduced regulatory activities will reduce the need for pharmacological expertise and will eliminate the necessity for economic analysis of regulations. Amendments to the CSA will provide for more effective registration procedures and permit reduction in staffing.

However, over half of the reduction will directly impact on the primary mission. Cyclic investigations will be reduced by approximately 100 on an annual basis. The reduced investigations will be identified with certain DEA registrants who are not openly vulnerable to diversion and do not present an obvious risk to the public health and welfare. The frequency of investigations will be reduced substantially. The Targeted Registrant Investigations Program (recently initiated) will not be affected.

Activity: Enforcement of Federal law and investigations

Subactivity: State and local assistance	1982 Request Pending		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
State and local training.....	40	\$2,640	...	-\$140	40	\$2,500
State and local laboratory services.....	30	1,898	...	...	30	1,898
State and local task forces.....	200	14,779	-86	-5,920	114	8,859
Diversion investigative units.....	21	1,771	-21	-1,071	...	700
Total.....	291	21,088	-107	-7,131	184	13,957

	1982 Request Pending			1982 Proposed			1982 Revised			
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	
Item: State and Local Training Program.....	40	39	\$2,640	40	39	\$2,500

DEA's drug traffic prevention program provides for the dissemination of publications and information on drug abuse; and programs on coordination of drug law enforcement for law enforcement agencies, the criminal justice system, schools, and community agencies.

This request will result in a thirty percent reduction in the volume of publications.

Activities can still be maintained, but at a reduced level. Publications designed to provide factual data on drugs, drug abuse and related programs will continue to be provided to law enforcement, CSA registrants, professionals and the public.

	1982 Request Pending			1982 Proposed			1982 Revised		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Item: State and Local Task Force Program.....	200	195	\$14,779	-86	-86	-\$5,920	114	109	\$8,859

The ongoing task forces combine the efforts of Federal enforcement personnel with those of State and local police in selected cities. The primary objective of these cooperative enforcement efforts is to disrupt the middle and lower levels of drug traffic, with emphasis on heroin trafficking. All task forces operate under DEA management and control, but are manned largely with State and local police officers.

The proposed reduction in funding will result in the termination of seven formal task forces throughout the United States.

In order to neutralize to the maximum extent any negative impact resulting from the closing of these formal task forces, DEA will:

- enhance law enforcement liaison at the District Office level
- place greater emphasis on DEA cooperative investigations
- develop intelligence generated from lower level investigations and utilize this in mid-level and higher level enforcement efforts

	1982 Request Pending		1982 Proposed Amendment		1982 Revised Request		
	Per. Pos.	WY Amount	Per. Pos.	WY Amount	Per. Pos.	WY Amount	
Item: Diversion Investigative Units Program....	21	21	\$1,771	-21	-10	11	\$700

This reduction will terminate the Diversion Investigative Units program. The DIU program currently has 23 identified active State-run units. Of these, 11 units are still functioning with Federal funds made available during 1978-1981. These funds have been committed to the States through the Cooperative Agreement mechanism signed by appropriate State officials and the Administrator of DEA.

For an orderly termination of the DTU program, it will be necessary to (1) establish a timetable, (2) assign managerial functions to other DEA elements and (3) satisfy existing DEA commitments as dictated by the Cooperative Agreements. The remaining workyears and funding assigned to the 11 Federally-funded DTU's will be phased out and timed with the expiration date of the Cooperative Agreements. The last Cooperative Agreement will terminate in September 1982.

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised.
5010-101

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

Program and financing (in thousands of dollars)

Identification code	1982 actual	1982 estimate	1982 estimate
15-1100-0-1-751			
	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
<u>Program by activities:</u>			
Direct program:			
1. Enforcement of federal law and investigations:			
(a) Domestic Enforcement.....	109,236	...	109,236
(b) Foreign cooperative investigations.....	28,956	-250	28,706
(c) Compliance and regulation.	15,837	-349	15,488
(d) State and local assistance	21,088	-7,131	13,957
2. Intelligence.....	17,797	...	17,797
3. Research and development.....	1,835	...	1,835
4. Support operations.....	24,898	...	24,898
5. Program direction.....	<u>16,607</u>	<u>...</u>	<u>16,607</u>
Total, direct program.....	236,254	-7,730	228,524
Reimbursable program:			
1. Enforcement of federal law and investigations:			
(a) Domestic enforcement.....	910	...	910
(b) Foreign cooperative investigations.....	2,578	...	2,578
2. Intelligence.....	217	...	217
3. Research and development.....	55	...	55
Total, reimbursable program..	<u>3,760</u>	<u>...</u>	<u>3,760</u>
10.00 Total program costs, funded obligations.....	240,014	-7,730	232,284

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised.
5010-101

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

Program and financing (in thousands of dollars)

Identification code 15-1100-0- 1-751	1982 actual	1982 estimated	1982 estimated
	Request Pending	Proposed Amendment	Revised Request
<u>Financing:</u>			
Offsetting collections from:			
11.00 Federal funds.....	-3,079	...	-3,079
14.00 Non-Federal funds.....	-681	...	-681
40.00 <u>Budget Authority (appropriation).....</u>	<u>236,254</u>	<u>-7,730</u>	<u>228,524</u>
<u>Relation of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	236,254	-7,730	228,524
72.40 Obligated balance, start of year.....	35,541	-333	35,208
74.40 Obligated balance, end of year	<u>-39,519</u>	<u>490</u>	<u>-39,029</u>
90.00 Outlays, excluding pay raise..	232,042	-7,573	224,469
91.20 Outlays from civilian pay raise supplement.....	234	...	234

STANDARD FORM 304
May 1969, Bureau of the Budget
Circular No. A-11, Revised
504-103

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	1982	1982	1982
15-1100-0-1-751			
	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
Personnel compensation:			
11.1 Permanent positions.....	113,670	-3,320	110,350
11.3 Positions other than permanent.....	660	...	660
11.5 Other personnel compensation.....	11,088	-412	10,676
11.8 Special personal services payments.....	1,000	...	1,000
Total personnel compensation.....	126,418	-3,732	122,686
Personnel benefits:			
12.1 Civilian.....	19,227	-381	18,846
13.0 Benefits for former personnel.....			
21.0 Travel and transportation of persons.....	10,004	-84	9,920
22.0 Transportation of things.....	2,109	-255	1,854
23.1 Standard level user charges.....	14,827	-22	14,805
23.2 Communications, utilities & other.....	12,969	-204	12,765
24.0 Printing and reproduction.....	1,160	-148	1,012
25.0 Other services.....	33,723	-2,301	31,422
26.0 Supplies and materials.....	6,642	-68	6,574
31.0 Equipment.....	8,307	-117	8,190
32.0 Lands and structures.....			
33.0 Investments and loans.....			
41.0 Grants, subsidies, and contributions.....	768	-418	350
42.0 Insurance claims and indemnities.....	100	...	100
43.0 Interest and dividends.....			
44.0 Refunds.....			
Total direct obligations.....	236,254	-7,730	228,524
Reimbursable obligations.....	3,760	..	3,760
99.0 Total obligations.....	240,014	-7,730	232,284

STANDARD FORM 300
July 1964, Bureau of the Budget
Circular No. A-11, Revised
5010-101

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

PERSONNEL SUMMARY

Identification code	" 82 Request Pending	" 82 Proposed Amendment	" 82 Revised Request
15-1100-0-1-751			
Direct:			
Total number of full-time permanent positions.....	4,071	-174	3,897
Total compensable workyears:			
Full-time equivalent employment....	4,037	-145	3,892
Full-time equivalent of overtime and holiday hours.....	483	-14	469
Average GS grade.....	11.03	10.51	11.05
Average GS salary.....	\$28,429	\$23,029	\$28,483
Average salary of ungraded positions.	\$16,409	...	\$16,409
Reimbursable:			
Total number of permanent positions..	45	...	45
Total compensable workyears:			
Full-time equivalent employment....	38	...	38
Full-time equivalent of overtime and holiday pay.....	5	...	5
Average GS grade.....	12.63	...	12.63
Average GS salary.....	\$35,395	...	\$35,395

STANDARD FORM 306
July 1964, Bureau of the Budget
Circular No. 4-11, Revised.
500-103

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

	19 82 actual	19 82 estimate	19 82 estimate
	Request Pending	Proposed Amendment	Revised Request
Executive level III.....	1	...	1
Executive level V.....	1	...	1
Subtotal.....	2	...	2
GS-18.....	3	...	3
GS-17.....	11	...	11
GS-16.....	22	...	22
GS/GM-15.....	149	...	149
GS/GM-14.....	416	...	416
GS/GM-13.....	771	-2	769
GS-12.....	1,195	-112	1,083
GS-11.....	221	-12	209
GS-10.....	10	...	10
GS-9.....	126	-17	109
GS-8.....	52	...	52
GS-7.....	285	-8	277
GS-6.....	349	-2	347
GS-5.....	302	-21	281
GS-4.....	134	...	134
GS-3.....	40	...	40
GS-2.....	7	...	7
Subtotal.....	4,093	-174	3,919
Ungraded.....	21	...	21
Total permanent positions.....	4,116	-174	3,942
Unfilled positions, Sept. 30.....	-77	...	-77
Total permanent employment end of year....	4,039	-174	3,865

GENERAL STATEMENT

Mr. SMITH. Do you have a statement?

Mr. BENSINGER. I do, sir. I will try to summarize it, Chairman Smith.

[Mr. Bensinger's prepared statement follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF PETER B. BENSINGER, ADMINISTRATOR,
DRUG ENFORCEMENT ADMINISTRATION, BEFORE THE
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear again before this Subcommittee to discuss the Drug Enforcement Administration (DEA) budget, and how it relates to our mission, our accomplishments, and our plans for fiscal year 1982.

This appropriation request for 1982 totals \$228,524,000 and 3,897 positions.

The resources will be applied to meet the challenge of containing illicit drug traffic by continuing the reallocation of resources to Federal level priority programs.

Briefly stated, we are requesting program increases including:

- positions to specialize in investigations of the financial aspects of the drug traffic;
- positions for support of foreign cooperative investigative efforts in Europe and the Near East to enhance our efforts against Southwest Asian heroin trafficking; and
- the tools we need to protect our employees and to promote a more efficient working environment:
 - replacement of 277 cars;

- encryption of our data transmission network since it is vulnerable to interception;
- expansion of our communications system to more overseas offices;
- continuation of the project to provide voice privacy on our radio system; and
- phasing in of an aircraft replacement program.

We are proposing some program reductions: the Compliance and Regulatory program will be reduced by about ten percent, the State and Local Task Forces program will be reduced by 50%, the D.I.U. program will be terminated, and administrative and support activities will be tightened up appreciably.

Changes from 1981:

Transfer to NIDA of funding for the

Drug Abuse Warning Network (DAWN)

contract.

\$-1,081,000

Uncontrollable increases required

for on-going programs

14,855,000

Decreases for non-recurring items

-1,199,000

Changes in programs:

Domestic Enforcement: Increases of 26 positions and \$3,705,000 are for:

- Enhanced investigative activity directed at the financial aspects of drug trafficking (26 agents with financial/accounting backgrounds and \$1,565,000).
- Installation of data encryption standard (DES) devices on the entire DEA Automated Teleprocessing System (DATS) (\$740,000).

- Purchase of 277 replacement vehicles (\$1,400,000).

Foreign Cooperative Investigations: Increases of 10 positions and \$1,101,000 are for:

- Enhanced capability to meet the threat posed by heroin trafficking from Southwest Asia, made possible by the addition of 7 agents and 3 intelligence analysts (\$651,000), and additional funding for Special Field Intelligence programs (SFIP) (\$300,000.)
- Access to the DEA Automated Teleprocessing System (DATS) for 16 DEA overseas offices that do not currently possess DATS capability (\$150,000).

Compliance and Regulation: Decreases of 47 positions and \$249,000 will result in:

- Reduction in activities which provide useful information, but do not affect the primary mission.
- Reduction in the need for pharmacological expertise and the necessity for economic analysis of regulations.
- Reduction in staffing related to amendments to the Controlled Substances Act (CSA) which will provide for more effective registration procedures.
- Reduction of 100 cyclic investigations identified with registrants who do not present an obvious risk to the public health and welfare.
- Reduction in the frequency of investigations.

We will maintain our planned level of activity in the Targeted Registrant Investigations program aimed at significant diverters of controlled substances at the retail level.

State and Local Training: Decreases of 9 positions and \$487,000 will necessitate:

- Reduction of 5 agents and 4 clerical positions attached to the training program. High-impact and multiplier-effect programs such as the Supervisory Training course and the Drug Enforcement Officers Academy, the graduates of which train narcotic enforcement officers in their own local departments, will continue.
- Reduction of thirty percent in the volume of DEA publications (\$140,000). Publications designed to provide factual data on drugs, drug abuse and related programs will continue to be provided to law enforcement, CSA registrants, professionals and the public, but at reduced levels.

State and Local Laboratory Services: Decreases of 5 positions (3 chemists and 2 clerical) and \$180,000 will result in:

- Some increases in the backlog of exhibits and in evidence turn-around time, though analysis of State and local drug evidence related to essential and significant cases will be treated expeditiously.
- Reduced levels of support to non-prosecutive programs.

The minimal operational requirements of other Federal agencies will be met and forensic analytical support to the Metropolitan Police Department of Washington, D. C., will continue.

State and Local Task Forces: Decreases of 94 positions (78 agents, 3 professional/technical, 13 clerical) and \$2,519,000 will necessitate the termination of seven formal task forces throughout the United States.

DEA will continue the Task Force program in twelve areas within the funding plans of \$8.9 million and further will:

- enhance law enforcement liaison at the District Office level,
- place increased emphasis on DEA State and local cooperative investigations, and
- develop intelligence generated from lower-level investigations for use in mid-level and higher-level enforcement efforts.

Diversion Investigation Units: Decreases of 24 positions and \$1,404,000 will necessitate the termination of the Diversion Investigative Units program. The DIU program currently has 23 active State-run units. Of these, 11 units are still functioning with Federal funds made available through cooperative agreements during 1978-1981.

The remaining workyears and funding assigned to the 11 Federally-funded DIU's will be phased out and timed with the expiration date of the cooperative agreements. The last cooperative agreement will terminate in September 1982.

We expect the participating States to continue these programs with their own funds.

Intelligence: Decreases of 21 positions (12 intelligence analysts, 5 professional technical, and 4 clerical) and \$837,000 will result in the deferral of planned enhancements in intelligence products. These reductions will not affect current level support to the El Paso Intelligence Center (EPIC) or priority areas such as efforts to contain Southwest Asian heroin.

Research and Development: Decreases of 7 positions (6 professional/technical and 1 clerical) and \$179,000 will offset increases in higher priority programs. The critical elements of the Research and Development program will be met. Initiation of other projects will be deferred and some current projects will be stretched-out.

DEA Training: Decreases of 3 professional/technical positions and \$181,000 reflect the decision to transfer the greater portion of DEA's training program to the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia.

Technical Operations: Increases of \$1,500,000 for:

- Continuation of the voice privacy equipment procurement (Phase II - \$1,000,000).
- Establishment of an aircraft replacement program through the purchase of eight single engine aircraft (\$500,000) to replace the oldest, least operational aircraft in the fleet.

Program Direction: Decreases of 21 positions (18 professional/technical and 3 clerical) and \$520,000 will offset increases in higher priority programs. Major requirements will be fulfilled through a redistribution of workload.

DEA'S MISSION AND PROGRAMS

Ours is an important task. In attempting to bring drug law violators to justice and to immobilize their organizations, we face what often feel like insurmountable odds. The traffickers have money on their side. The enormous profits available—\$64 billion dollars at the retail level in 1979 in the United States—makes drug trafficking an attractive venture worth the risks inherent in such an illegal enterprise. I believe the focus of the U. S. Government should be directed toward increasing those risks—changing the odds.

DEA is rightfully at the forefront of the United States' initiatives. However, before I expand on the specific components of our operations, I believe it would be beneficial to quickly survey the dimensions of the drug supply arena.

The dynamics of the world drug market are changing at a pace unparalleled in history. This gives us all cause for concern. One of the most serious problems is the influx of heroin from Southwest Asia; Afghanistan, Iran and Pakistan. European nations are reeling from its disastrous effects; in the United States the presence of Southwest Asian heroin is being felt in many of our major cities. As you know, the sources of opium for Southwest Asian heroin are not controlled and the outlook is not encouraging. Compounding that problem, is the anticipation of a new bumper crop of opium from the Golden Triangle. After two years, the drought that plagued Southeast Asia is ending. While the estimated domestic supply of heroin has dropped 50 percent since 1975 and continues to decline, despite the increased production from Southwest Asia, the uncertain production from Southeast and Southwest Asia makes future supply levels unpredictable.

The availability of cocaine and marihuana from Latin American and Caribbean source countries will most likely continue in the immediate future. The cocaine traffic in the United States and Europe continues to grow. The marihuana problem is increasing to a significant extent: there is massive cultivation in Colombia and increasing cultivation in Jamaica. Also of growing concern is the domestic cultivation of high THC content marihuana in Hawaii, California, Oregon and in neighboring states.

At the retail level, cocaine is now the single biggest producer of drug revenue. Marihuana is not far behind. The economic and health impacts of these two drugs are being felt nationwide, although most severely in our Southeastern area. It is painful to watch our abuse indicators reflect increased ill effects being experienced by the young people of our country.

Over the past several years, the United States has also experienced gradual increases in amphetamine and methamphetamine abuse. There has been an upsurge in illicit manufacture of these substances even though our special agents are seizing well over 100 clandestine laboratories a year. Our South Central states are most affected.

Additionally, we have also seen the entry and presence of large-scale organized traffickers in the depressant trade. This has become most apparent with respect to methaqualone. The number of illicit methaqualone laboratories seized by the DEA has increased dramatically. Seizures are up: the same number was seized in the first six months last year as all of 1979. There is also considerable evidence of smuggling methaqualone by air and sea into the United States.

In all cases, our objective remains to immobilize the major trafficking organizations that have the capability to affect the national and international drug abuse situation. Consequently, we sometimes shift our drug enforcement priorities by region and city. Thus, in the Northeast the vast majority of our efforts are directed towards heroin, whereas in Florida and the Southeast, where cocaine and marihuana trafficking are very extensive, we are seeing most of our

investigations targeted against major organized criminal networks dealing in these substances. But regardless of whether it is a heroin, dangerous drugs, cocaine or marihuana organization that we target, our objective is to immobilize the organizations by ensuring that the principals are incarcerated, the drugs seized, and their assets removed.

The primary focal point for many of our programs is overseas because, as you know, the primary sources for these illicit substances are in foreign countries. It is imperative that our international program be strong and dynamic. Stopping the drugs abroad, before they enter the marketplace, is one hundred-fold more effective than arresting major violators at home. We have been witness to the effectiveness of the commitment of the Government of Mexico and international cooperation and the resulting impact on heroin production from that source.

Unfortunately, we cannot now get to one heroin source where we need to most: Southwest Asia. In deference to our inability to create an impact at source sites in Southwest Asian countries, we have had to move to our second line of defense, the conversion and transshipment countries, which unfortunately have also in many instances become the victim countries. Our European allies are responding most favorably to the initiatives we have developed.

Intensified efforts in Europe and Turkey have had an impact. Fourteen heroin conversion labs have been seized in the past two years; seven of these were in Italy and two in Sicily. The heroin produced in nine of these labs was destined for the United States. Southwest Asian heroin seizures are up 400 percent in Europe and the Middle East.

This rate is actually far more dramatic than the successes realized at the time of dismantling the "French Connection" in the early 1970's. These seizures

and the arrests and prosecution of the principals are effective; it is the major reason that heroin purity in the United States has increased only marginally.

Firm commitments are also needed in South America—the source of increasing amounts of cocaine, marihuana and methaqualone. As with heroin, the solution must be found in the source countries. Crop control and substitution programs, in concert with economic development, are critical elements in a viable strategy. Increased diplomatic initiatives directed toward gaining greater commitment and cooperation from the governments of the production and transshipment countries are also vital to a comprehensive approach.

In the past we have directed our efforts toward traffickers and drugs...no longer. A new major priority is directed not toward the drugs, nor toward the traffickers, but rather toward that third dimension of a drug trafficking organization—the assets. We have accelerated our program to take the profits and proceeds out of drug trafficking.

DEA's program is moving forward at a rapid pace. Without capital, the traffickers are out of business. In the first year of our efforts (FY 1979), while we were training our agents in techniques, we removed approximately \$13 million in assets from drug traffickers. In FY 80 there was a 700 percent increase in seizures—up to a total of \$90 million in seized assets. During the same period, approximately \$42 million has been forfeited and turned over to the United States Treasury.

I have every expectation that this trend will continue. Hitting the traffickers where it hurts—in their wallets—is an effective weapon. Removing the organization's assets removes its lifeblood. Incidentally, I am very pleased to note that the concept of asset removal is being vigorously pursued both by other nations and, in some cases, at the state level here in the United States.

I believe that the overall emphasis of DEA's enforcement program is sound. It is our responsibility to direct all efforts at the upper levels of the drug traffic. And we have made inroads developing conspiracy cases against major traffickers: we can now reach the heads of the criminal organizations who never touch the drugs, but reap all the rewards and the profits. The momentum of the DEA enforcement program is reflected in the FY 80 statistics which show substantial increases in arrests of upper-echelon violators; overall arrests increased by approximately 900.

Our programs have a built-in flexibility to respond to changing situations or to bring special emphasis to bear on a problem. We are exploring many different, innovative enforcement initiatives to insure that maximum pressure is brought to bear on the drug trafficking environment. Many of these initiatives involve enhanced working relationships with other Federal, State and local agencies.

In the last several weeks I have met with FBI Director Webster and IRS Commissioner Egger to discuss the ever apparent need for increased commitments from each of their services to the domestic narcotic control effort. They have both agreed that continued interagency cooperation is vital and a signal as to the priority of drug law enforcement.

Of course, we are maintaining a strong emphasis on interagency investigations with the Customs Service, the Coast Guard and the rest of the Federal enforcement community. In these austere times, we have all recognized the need for further enhancement of cooperative endeavors. I believe we will be seeing an acceleration in the number of interagency, high-level investigations.

This concludes my statement, Mr. Chairman. I shall be pleased to answer any questions you or other members of the Subcommittee may have.

Mr. BENSINGER. I appreciate the opportunity of appearing before you and the Appropriations Committee. Our request reflects increases in certain program areas, decreases in others. Increases are for additional agent positions to continue our financial investigative program efforts at a high priority, to support Southwest Asian heroin investigations, and to provide vehicle and aircraft replacement programs for the safety of our agents. Equipment is aged and not up to GSA or our own standards without replacement.

To provide for the implementation of a radio voice privacy system that would protect our agent-to-agent communications from traffickers or the news media from listening in, and an amount of \$740,000 is requested to encrypt our communication and teleprocessing systems.

The budget request reflects the discontinuance of a DIU program for retail diversion. That will be a loss of 24 positions and \$1,404,000. The task force programs have been cut back as well, but the task force program and the compliance program will remain operative, and I think effective.

The drug program from an enforcement standpoint will depend to a great extent on what happens overseas, and we are hoping that legislation that has been introduced in both the House and the Senate will find a favorable wind. Ninety percent of the drugs are coming in from abroad that are distributed illegally here, and if the paraquat amendment is repealed, and effective eradication programs can be undertaken in Colombia, for example, this would have a major impact that I couldn't estimate in terms of dollars or manpower.

Similarly, we are looking for increased resources from the IRS and other Federal, State and local agencies, to supplement DEA's own efforts. We have to be flexible to meet changing drug trafficking patterns. The Mexican Government has done an excellent job, I would add. So has the Turkish Government in controlling illicit and illegal activity.

We are seeing the need for programs, such as Mexico embarked upon, clearly demonstrated in the Caribbean and in Latin America. We have seen, I think, at Drug Enforcement Administration investigative levels very good cases developed this year. And our agents, I think, have discharged their difficult and dangerous duties very well. We still have a large number of fugitives, more than we have agents. We still have some unevenness in our sentencing. We are still receiving requests, 60 percent of them from felons in the Federal Penitentiary, for the Freedom of Information Act.

Our request reflects a need for responsiveness to shifts in the traffic and the need to continue our intelligence programs at El Paso and in the various regional locations established both here and abroad.

DAWN

There is one other change, Mr. Chairman, I would mention, and that is a transfer to NIDA of \$1 million for drug abuse warning system. That is an important system that tells any shifts to both NIDA, the policy-makers in both HHS and Justice and DEA. This system tells where, geographically, people are overdosing, where the injuries are occurring, and from what drugs.

Mr. SMITH. How does that work?

Mr. BENSINGER. Well, there are about a thousand different emergency rooms, clinics and hospitals around the country. They are all subscribers to the DAWN system. They report overdose deaths or injuries to an outside contractor that compiles records, and we then find that, say, PCP is going into a very epidemic stage in Los Angeles. That will show up in the DAWN reports from the L.A. statistical area's emergency rooms and hospitals. All of a sudden they will get a lot of calls for angel dust, and it will be reported, or we will see in Washington or New York an increase in overdose deaths from heroin.

That tells us that the purity, probably, of heroin in New York is higher, that the availability is up, and it is a good signal to law enforcement as to where the actual drugs are being distributed and where people are having injuries.

Now, NIDA and DEA have shared the expense of this since I have been Administrator, and that has been five years and some. Next year this budget would call for us not funding 50 percent of the program.

Mr. SMITH. Why?

Mr. BENSINGER. This was a determination made by the Office of Management and Budget.

Mr. SMITH. Did they put the other half in the other budget?

Mr. BENSINGER. My understanding is they did, so that basically it would be now monitored from a contractual standpoint from NIDA.

Mr. SMITH. Would you still have access?

Mr. BENSINGER. We would still have access, so I don't think from the standpoint of resources that is a significant issue, but I did want to point it out because it is \$1 million out of our budget that you ought to know is not going to be reflected in the \$228 million but it is being picked up in someone else's budget.

PARAQUAT LEGISLATION

Mr. SMITH. How long have we had the paraquat amendments, three years?

Mr. BENSINGER. Yes.

Mr. SMITH. Did they have a detrimental effect on control?

Mr. BENSINGER. Very much so, Chairman Smith. There has not been a single case of serious illness reported by the Atlanta Center for Disease Control of a U.S. citizen or someone in the United States from overseas that has been diagnosed at a hospital, or reported to the Atlanta Center for Disease Control, to be seriously ill from smoking a marijuana cigarette that had been sprayed with paraquat. The Mexican Government—and I have been in touch with them regularly—has not reported any Mexican nationals in their country that have had serious illness or fatalities as a result of the very extensive paraquat spraying program the Government of Mexico is paying for themselves today.

What has happened has been that the traffickers have moved from Mexico, where there is an effective eradication program to Colombia where 70 percent of the marijuana distributed in the United States is now from. There isn't any means by which the Colombian Government can get access to U.S. funds to destroy those crops.

Mr. SMITH. They are not doing it with their own funds?

Mr. BENSINGER. No, they are not, sir. And they are looking to us, too, to give them some help, and I can understand that.

ALTERNATIVES TO PARAQUAT

Mr. SMITH. You didn't mention the detrimental effect of the publicity itself causing some people to stop using marijuana for a while, for fear—

Mr. BENSINGER. That they did not know what they were getting. I think it was a scare that was blown out of proportion in terms of the health hazards, based on the health evidence reports reported to me by Director Pollin of the National Institute of Drug Abuse. But, I think you are right. I think there were some people that contend this may not be such a good substance.

We did do some research since you and I talked last. There may be a substance that the State Department has been having researched that could be applied through a spray or another means of treatment to the plant that would provide such an odor, noxious odor, that the user would be disenchanted with its use. But, that is still in the experimental state. There is no way that that manufacturer today sees his way clear to produce that without some type of guarantee that for anything treated, there would be no legal or subsequent financial liens placed on the company, like the swine-flu problem.

Mr. SMITH. Correct. There should be some way to take care of that, especially if you limit it to its use with regards to drugs like marijuana.

Mr. BENSINGER. I would hope so, Chairman Smith. There has been a bill that was introduced in the House by Representative Clay Shaw and in the Senate as well that would repeal the provisions today in the Foreign Assistance Act, and just require the Secretary of HHS to monitor herbicide eradication and make a report to Congress, not concluding prematurely that the use of it would be harmful, because the results have not spoken to that issue.

Mr. SMITH. I think to reduce the usage, it seems like common sense to me that they need to get out in some of those fields and put some kind of agent on some of it, not all of it, that makes the user nauseated or not like it, and then make it available through the normal channels and the user won't know whether he is getting the treated drug or not. After a while they won't want to use it. It just seems to me that we surely ought to be able to do something like that.

In that case you wouldn't want to administer an odor causing agent, but something else.

Mr. BENSINGER. Your point could be correct in that area, because that wouldn't accomplish the result you are talking about.

Mr. SMITH. No. In that case, you would still be able to identify whether or not you were buying some of the treated drug.

Mr. BENSINGER. It seems like what we are doing today, though, is like protecting someone from using an illegal substance.

Mr. SMITH. Correct.

Mr. BENSINGER. It seems to me the wrong message.

SEIZED VEHICLES

Mr. SMITH. What happens to your seized vehicles?

Mr. BENSINGER. Seized vehicles get one of two different courses: one, they can be sold at auction; two, we can convert them to our own use. Generally we will seize four, five, six, up to nine hundred vehicles a year. Maybe only 300 or at the most, 400 would be actually usable within our own investigative purposes. We have a provision in this appropriation request for the purchase of 277 vehicles. We haven't bought many vehicles in two years. This would be the third year. Our vehicles would not be up to GSA standards and would not be safe. We need fast, well-equipped, able-to-respond vehicle for our agents who are dealing with dangerous, difficult criminals.

Mr. SMITH. How about the seized vehicles; aren't some of them good vehicles?

Mr. BENSINGER. Some of them are, and we do probably convert anywhere from 30 to 45 percent of those we seize to our own use, but some of them are rust buckets. Some of them are vehicles that the drug peddlers simply want to have to get from one place to another, not always the Mercedes Benz's or the Cadillacs or the Lincolns, so some of those are just turned over to the government and sold at auction.

STAFFING LIMITATION

Mr. SMITH. Will this reduction, if it is approved, result in a reduction in force (RIF)?

Mr. BENSINGER. We don't anticipate a RIF, Chairman Smith. We will be limited in our hiring, clearly, and we are going to be in the compliance field in somewhat unknown ground. We are going to be asking our compliance investigators to spend about 50 percent of the time on retail diversion cases. In the past, a couple of years ago we spent 85 percent of our time on the manufacturers and distributors. But we have concluded that was maybe a mistake, since the manufacturers and distributors were not the ones really responsible for the legitimate drugs being diverted, but really it was the doctors and the pharmacists.

So, even though we are going to have fewer compliance investigators, which this budget request reflects, we are going to ask them to spend more of their time in the retail diversion field.

If we are right, it is not going to increase the exposure to the public. But, if we find that the manufacturers and distributors, in fact, now with a reduced amount of inspection and auditing and cyclical visitation, increase or change their past practice of really policing themselves effectively, we will have a new problem, and, probably, would have to go back to the Department and to you.

TWO YEAR PE/PI FUNDING

Mr. SMITH. You have asked for a change in the appropriations language with regard to purchasing evidence and payments for information. Please explain that to us.

Mr. BENSINGER. We have asked for 2-year funding, Mr. Chairman. The purchase of evidence and information account is an important account for drug law enforcement investigations. What has happened in the past generally has been that at the end

of the year, this \$8 million or \$9 million item gets squeezed out so that for the last month or two the field regions where the funds are allocated are literally in a position not to make opportunistic buys of evidence or payments to informants for key information. What we are really doing is working on a fiscal year budget 10 months of the year.

What the language would do would be to enable us to carry over \$1.7 million, about 15 percent over a 2-year period so that our agents could really work 12 months a year with that purchase of evidence and information account. That would not put us in the position of having a lot of funds, say the first of October, and no funds at the end of September.

STATE AND LOCAL TASK FORCE

Mr. SMITH. What about the State and local task force program? You had indicated that you wanted to increase the positions.

Mr. BENSINGER. We believe the State and local task force program is important, and our original request did reflect that.

Mr. SMITH. Your original request did, but this request calls for a reduction, doesn't it?

Mr. BENSINGER. It does, Mr. Chairman. As a result of this budget there will be a reduction in the resources and agents assigned to State and local task forces.

Mr. SMITH. You wanted it to increase but the budget calls for a decrease?

Mr. BENSINGER. That is correct. I would add by way of recognition that Attorney General William French Smith personally took part in budget discussions with the Office of Management and Budget that restored some \$17 million to DEA's account, and specifically in the area of task forces restored a number of budgeted positions and dollars, in the millions of dollars to that which OMB had originally proposed be deleted from our budget.

I am very appreciative of Attorney General Smith's personal interest and the appeal that he made to the President. President Reagan's decision that DEA's reduction in personnel, which was about 4 percent, is nowhere close to the 8 or 10 percent in other agencies, and that our task forces, while they have been reduced, have been maintained.

Mr. SMITH. How many are you in favor of reducing?

Mr. BENSINGER. I think the task force program is important, and my preference would be not for a reduction. My hope is that the Attorney General's Task Force on Violent Crime, which will be making a report to the Attorney General in 60 to 90 days, at the very most, will be focusing on the impact of violent crime, and, I think, its close relationship with narcotics. I would be surprised if that committee did not recognize the sensitive impact resources in the drug law enforcement area would have particularly on State and local task forces. It is not outside the realm of possibility that a request and a reconsideration could come at some future time in this area.

Mr. SMITH. Is the problem the fact that they are called task forces, and that in and of itself makes it look like something that could be reduced?

Mr. BENSINGER. I don't think it is so much the task forces. I think that it is state and local, and the philosophy that the Federal Government has been asked to do an awful lot of things for an awful lot of people and for a lot of units of local government. We are spread thin, and in many of the overall budgetary decisions—and Kevin Rooney can guide me further from a Departmental perspective, but many of the State and local assistance programs have had reductions.

In DEA's case we have had one in this particular program. It is one that I think has paid off well in terms of the leverage that you gain by having a State, a local and a Federal agent in a geographical location able to pursue a case outside of any one jurisdiction, and use the intelligence from all of the three different types of services.

CONSEQUENCES OF ELIMINATING TASK FORCES

Mr. SMITH. How many task forces do you have?

Mr. BENSINGER. We have approximately 19. We will probably be reduced to 14.

Mr. SMITH. And what happens in those communities where you eliminate a task force?

Mr. BENSINGER. The State and local officers would not be paid overtime, would not be provided with vehicles, operating funds, office space and overhead support expenses. They would be encouraged to work with our agents. We would pay our salaries and our expenses. They would be asked to pay their salaries and their expenses, use their vehicles, and hopefully they would work together on an informal rather than a formal basis.

Mr. SMITH. Or they might not do it at all?

Mr. BENSINGER. Or they might not do it at all.

Mr. SMITH. Do you have a list of the five communities that would be affected?

Mr. BENSINGER. Chairman Smith, we have a list of those potential communities that could be affected, but we have not made a final decision as to which five would be discontinued.

Mr. SMITH. We will insert that in the record at this point.

[The information follows:]

DEA is now in the decision making phase in connection with the termination of specific State and Local Task Forces. It is respectfully suggested that listing specific cities in which the Task Forces will be terminated at this time would be premature. We will provide this data by June 30, 1981.

SEIZURE OF FINANCIAL ASSETS

Mr. SMITH. Of course, it will depend on the States. Some States are reducing everything. I suppose there might be some States that would pick up the costs, but some States would not.

In the Domestic Enforcement program, you show an increase of 26 positions in the amount of \$1,565,000. Please explain this.

Mr. BENSINGER. This is for continued enhancement of our financial investigative process. Last year, Chairman Smith, we were able to have seized by the United States almost \$92 million in investigations that DEA, sometimes in concert with other Federal agencies, made documenting assets, money value assets traceable to, derived from, or intended to be used in a violation of the Controlled Sub-

stances Act, the act which we enforce. Forty million dollars was available to be turned over to the U.S. Treasury.

My own view is that seizing drugs and arresting people is not in and of itself going to stop the drug trafficking. We have got to hit the traffickers in the pocketbooks and go after the profits which they make from these illegal sales. We would like to have more investigators available to spend the length of time necessary to make complex financial investigations.

We just completed an operation called Grouper, got about 155 people indicted and 130 arrested. Eleven to \$12 million were seized, vessels and cash. Now we need to follow the trail and the thread of those defendants, some of whom had bails up to \$20 million. We are proposing to hire accountants and financially more experienced and educated investigators to assist us in this effort.

We have already trained about 1500 of our own agents in a financial investigative refresher course and new priority training programs.

Mr. SMITH. Do you receive help from the FBI in this regard?

Mr. BENSINGER. We are getting help from the FBI and I think from IRS. I called on Mr. Eggers, the new Commissioner, as well as Bill Webster, and they have statutory provisions in their own jurisdictions that can help them follow the money, bank fraud, tax jeopardy, people making millions and not reporting it, so we do envision some informal and formalized task forces with both the IRS and the FBI in the money-flow investigative work.

RESOURCES TO MANAGE FINANCIAL SEIZURE PROGRAM

Mr. SMITH. Would you have to provide the work-years necessary for your assignment, even though you were operating together?

Mr. BENSINGER. We would work it out so we would continue to pay out of our appropriated funds for our people. They would pay for their people out of their funds. I don't see a problem in that regard, but we do need more resources totally devoted to this opportunity, to this problem. In our budget we are asking for 26 positions, and some \$1.5 million for that specific enhancement. I think it is going to have a tremendous payoff. I would expect to be able to report to you and the committee seizures of in excess of \$150 million for this fiscal year alone.

DATA ENCRYPTION

Mr. SMITH. You have \$740,000 to improve data communications security.

Mr. BENSINGER. Yes, sir.

Mr. SMITH. Please explain that.

Mr. BENSINGER. That is basically an encryption process, on our automated teleprocessing system. We are dealing with confidential information that is very time sensitive. If we are going after some major drug traffickers, we do not want the traffickers to be monitoring our own communications. This would encrypt our telecommunication processing equipment to protect it from someone tapping right into data lines and hearing what we are saying.

We have embarked upon this program in the past. This \$740,000—and Don Quinn, who is the Assistant Administrator for

Management Administration, can correct me—would complete a major part of our encryption program. We think it is vital to protect the safety of our agents and the safety of our information. In other words, the lines themselves would be protected and encrypted so people listening in wouldn't be able to hear in the blind what was being said, kind of a scrambling system.

Mr. SMITH. Are you receiving some help from the State Department?

Mr. BENSINGER. We are getting help from State. On Friday I will be signing an agreement with the Assistant Secretary of State at 1:30 that will document our ability to use State lines overseas for immediate data access. We will be able to provide 15 of our overseas locations with immediate real time, response on violators, names, vessels, and vehicles. Our agents in Rome can check out a link from one of our major heroin investigations at a terminal through State Department lines and have access to our NADDIS computer. It is a real good benefit that we have not had in the past. I think you would be pleased and proud to see it in the field and operating.

AIRCRAFT REPLACEMENT AND SEIZURE

Mr. SMITH. You are requesting \$1.5 million under Technical Operations. Of that, \$500,000 is to provide for a planned aircraft replacement capability. What does that mean?

Mr. BENSINGER. We have 8 single-engine aircraft that are proposed to be purchased in this budget request. We have 40 airplanes. At least a third of them are 15 to 20 years old. The maintenance on them is expensive. The safety factor is marginal, and I, as Administrator, can't ask our agents to go out and fly almost in World War II type aircraft, on surveillance of drug peddlers.

Mr. SMITH. Are any of these seized aircraft?

Mr. BENSINGER. Some are and some are Army surplus.

Mr. SMITH. Some are seized?

Mr. BENSINGER. We get some very fine seized aircraft, twin engine, fast, new, but oftentimes the traffickers are renting the planes now, so the lien is with the aircraft renter and not the trafficker.

Mr. SMITH. That shouldn't make any difference, you can still seize them.

Mr. BENSINGER. Well, it is hard to. Under those provisions, the owner is not the trafficker. He is just the lessor.

Mr. SMITH. I thought it was based upon simply having contraband in the vehicle?

Mr. BENSINGER. If the owner had criminal knowledge or criminal intent, but the owner in this case is a rental company, who says, "I didn't know where this fellow was taking the plane. He told me he was going to fly from El Paso to Laredo, and the fact that he went to Colombia and picked up some marijuana was not in the anticipated activities." So they back off on that. It is a difficult legal proposition.

Mr. SMITH. In some States there is no such element involved. I didn't know that. In this case there is an additional element involved.

Mr. BENSINGER. It depends on who owns it and if there is criminal intent. If the renter is clearly in the business to make money off of renting planes to deal in drugs, we have got a stronger case. We have made some of those cases.

Mr. HIGHTOWER. Will the chairman yield?

Mr. SMITH. Yes.

Mr. HIGHTOWER. Suppose the owner was the brother-in-law of the renter. Would you look through such possible ruses?

Mr. BENSINGER. I would suspect that we would.

Mr. HIGHTOWER. You do check to be sure that it is a valid lease arrangement?

Mr. BENSINGER. Yes indeed.

Mr. HIGHTOWER. Do you make sure that the parties are operating at arm's-length, and that the owner of the rented airplane has had no prior history of this sort of operation? I would suppose that if I owned a rental business, after three or four planes were confiscated one might be kind of suspicious that I might know more than I let on.

Mr. BENSINGER. Congressman, we are not bashful. There is a separate investigation that is pursued on the seizure of these planes.

Mr. SMITH. Go ahead.

COST TO CURTAIL CASUAL USE

Mr. HIGHTOWER. Thank you, Mr. Chairman. I do have several questions I would like to ask of Mr. Bensinger.

How much do you think it would cost, or would it be possible, to curtail or eliminate the casual use of illegal drugs in this country?

I am not talking about hard-core heroin users. I mean marijuana and other casual drug usage that is so prevalent all over the country. This is so devastating to our young people and is endangering our whole system of education.

Do you think this is too big of a task for us to even consider adopting?

Mr. BENSINGER. No, I do not.

Mr. HIGHTOWER. Do you think it is do-able?

Mr. BENSINGER. I think so.

Mr. HIGHTOWER. Could you give me any idea about how much money it might cost?

Mr. BENSINGER. I could tell you the amount of money. There would be some things you could do that wouldn't cost a dime. That would be to change some laws.

RECOMMENDATIONS TO STOP DRUGS AT SOURCE

Mr. HIGHTOWER. Have you been making recommendations to the committee of jurisdiction on changes that might be made?

Mr. BENSINGER. Yes, I have, sir, both in terms of the House with Congressman Bill Hughes, who I might add has been most interested, visited our office as Chairman of the subcommittee in the House Judiciary Committee as well as discussions with members of the House Select Committee on Narcotics, and in the Senate.

The changes in the laws that come to my mind, and I mentioned to Chairman Smith, and I appreciate his personal interest in this,

the one restriction in stopping drugs at the source. That is critical. If you want to stop drugs coming into the United States, and 90 percent of the drugs you are talking about, coke and marijuana, comes from overseas, 100 percent of the cocaine and 90 percent of the marijuana; and if you want the least expensive, most effective, most economical way to stop it, it is where it is grown.

You will have to mount a campaign with us and the State Department that would provide for the destruction of the illicit crop; some crop substitution mechanisms, either through AID or directly for the farmers, that would be an incentive; some equipment and training for the law enforcement agencies would be, I think essential, because you can't just provide an opportunity to do something else. You need some enforcement or people go off the straight and narrow path and go back into illegal activity.

FOREIGN COOPERATION

Mr. HIGHTOWER. Do you think we could get cooperation from the foreign countries where this is such a major crop?

Mr. BENSINGER. I think so. Congressman Hightower, 10 years ago, if you had said can Mexico really reduce 70 tons of opium to 9 tons, and the amount of heroin coming in from 7 tons to 1, and reduce the amount of marijuana from 10,000 tons to maybe 2,000, people would have said no, it won't happen. But it did.

Mr. HIGHTOWER. What was the chemical they sprayed on marijuana in Mexico? For a short while, didn't this procedure seriously reduce the amount of marijuana in this country.

Mr. BENSINGER. It is paraquat.

Mr. HIGHTOWER. Paraquat?

Mr. BENSINGER. Paraquat was sprayed on marijuana. 2-4D was sprayed on opium, and I might add the Mexican Government is spraying today paraquat on marijuana in Mexico which they are funding themselves.

Mr. HIGHTOWER. Did the Congress act to stop this procedure?

Mr. BENSINGER. Yes.

Mr. HIGHTOWER. What was the reasoning?

Mr. BENSINGER. The Foreign Assistance Act was amended in such a way that the U.S. State Department funds could not be available for a herbicide eradication program on marijuana overseas, if the Secretary of HHS ruled that herbicide could have a possible negative effect on user or users.

Mr. HIGHTOWER. In your personal opinion, was that a mistake?

Mr. BENSINGER. Yes, unquestionably.

REQUEST TO AMEND FOREIGN ASSISTANCE ACT

Mr. HIGHTOWER. How might this be changed?

Mr. BENSINGER. I think the legislation that has been introduced in the Congress should be given backing. I think the sponsor of the legislation, a good personal friend of mine, an individual that I certainly respect, Senator Percy, did not intend to have this restriction in fact do what it did.

At the time, no one knew how serious or not serious the paraquat was. What, in effect, it did was to provide a shield for an illegal drug substance. That was not his intent, because his intent

is not to have marijuana made available to the young people or old people of this country, but rather to concern themselves with the health of all of the citizens.

What has happened has been, because of the very strict interpretation of the amendment, the Government of Colombia cannot get funds from the Government of the United States to effectively destroy 100,000 acres of marijuana growing in increasing amounts on the North Coast of Colombia.

The Mexican program, sir, cost about \$100 million of congressionally appropriated funds over seven to eight years, and saved thousands of lives per year.

SUPPLY AND DEMAND FOR DRUGS FROM COLOMBIA

Mr. HIGHTOWER. But it is still somewhat galling that we would have to pay Colombia to do what they ought to be willing to do on their own.

Mr. BENSINGER. Sir, the market for the drugs is not in Colombia. We have a tremendous criminal demand for money and a demand for the drugs themselves. Our prevention, education, communication, our families and teachers, I don't think have gotten the message across well enough either. I think we have been a society that has been too tolerant and permissive.

Mr. HIGHTOWER. And we ought to pay for it?

Mr. BENSINGER. I think we haven't reduced our demand.

Mr. HIGHTOWER. I am not arguing about it. I am not disagreeing with you. But having to pay for this is a problem we have brought on ourselves?

Mr. BENSINGER. I think that is exactly right. I think the Colombian law enforcement officials that I have talked to say to me, "Look, if you didn't have that big market and that big demand and your American planes and your American criminals flying into our country, we wouldn't have this problem."

DATA AND VOICE PRIVACY

Mr. HIGHTOWER. You discussed encryption devices attached to telephones to protect agents.

Mr. BENSINGER. Yes, sir.

Mr. HIGHTOWER. Do I understand that you are putting these on data communicating devices also?

Mr. BENSINGER. Yes. We also have a request that is a voice privacy request, if I can, sir, just add to it.

Mr. HIGHTOWER. Yes.

Mr. BENSINGER. We have got agents out in cars with hand-held and vehicle equipped radios communicating back to our base station in the clear. Traffickers with a Bearcat scanner can listen and try to focus in on our wavelengths and hear where we are going. So can the media, by the way, which sometimes shows up.

We have a request to provide for voice privacy equipment that in effect would make it impossible for non-law enforcement entities that didn't have the code of access, to listen in on what is going on.

Mr. HIGHTOWER. How much of that are we trying to do in this budget?

Mr. BENSINGER. One million dollars of voice privacy equipment, \$740,000 of encryption devices for telecommunication.

Mr. HIGHTOWER. Is that just a beginning?

Mr. BENSINGER. Yes, sir. We will need about \$5 million more for voice privacy.

COMPLIANCE ACTIVITIES TERMINATED

Mr. HIGHTOWER. Could you give us an example of useful but not essential information gathering which you plan to terminate in the compliance regulation area?

Mr. BENSINGER. I can't be the kind of a prophet or soothsayer I would like to be in this area because we are reducing the number of compliance investigators.

What we are proposing to do is to have fewer people work more effectively by focusing more of their time on retail diversion where the major problem is. The problem is with the doctors and the pharmacists.

We have to regulate manufacturers, the wholesale distributors and the doctors and the pharmacists, all of whom have access to legal drugs, amphetamines, barbituates, morphine. Some of them are unscrupulous and sell these pills by the hundreds of thousands of dosage units, some of them by the millions of dosage units.

We will make a criminal case and present it to the Grand Jury and individuals will be indicted, and occasionally even get sentenced to the penitentiary.

That is where 300 million dosage units of drugs that shouldn't be dispersed in this country are coming from, and we are going to change the number of man-years devoted to the retail diversion program from our compliance investigators, but I couldn't represent to you that we will have as strong a total work force in that field as we had this year.

Mr. HIGHTOWER. Did we discuss reducing expenditures in this area yesterday, Mr. Rooney.

Mr. ROONEY. In the compliance area?

DIVERSION INVESTIGATIVE UNITS PROGRAM EXPIRING

Mr. HIGHTOWER. Yes, obtaining drugs from conventional sources.

Mr. BENSINGER. We are not going to be requesting diversion investigative unit funds in this budget. About \$1 million a year we have requested.

Mr. HIGHTOWER. But aren't these contradictory positions?

Mr. BENSINGER. No, although they are dealing in the same area, so you are correct there sir. The DIU program was started some seven or eight years ago, and each year we would sign up three States, and DEA would assign a criminal investigator, provide a grant of about a quarter of a million dollars for training, and try to develop a State with a State-wide self-policing mechanism that would involve generally the State police, the pharmacy board, medical, technical, professional and occasionally criminal investigators. It varied by State. Twenty-four states and the District of Columbia have been signed up in this program up to now.

Next year's budget, this particular budget, does not call for another three states or even one other state. It calls for no new money. The states that had been funded, all but one, after an

initial two-year period, assumed the expenses of the DIU programs themselves.

Mr. HIGHTOWER. And so we are going to discontinue this?

Mr. BENSINGER. That is correct.

MANUFACTURERS SELF-REGULATION

Mr. HIGHTOWER. Yet you were just saying what an important part of the whole drug enforcement problem diversion was. I am still not clear. It looks to me like you have been forced into a contradictory position here. I won't pursue this having made the point.

In your reductions in compliance regulations, you mentioned registrants who do not present an obvious risk to public health and welfare.

Could you give us an example of such a registrant?

Mr. BENSINGER. Such a registrant would be a manufacturer who, over the course of many, many years, has demonstrated repeatedly their ability to self-police their own manufacturing process, their inventorying process, their shipment and distribution process through regular cyclical investigations, through audits that we do in the field, through independent reports from State and other law enforcement purposes. And there are a number of manufacturers who, unlike most of the targets we go after, are trying to obey the law and serve the public interest, and I think most of the distributors and the pharmacists are. They want to treat sick people with drugs.

TARGETED REGISTRANT

Mr. HIGHTOWER. On the other hand, could you give us an example of a targeted registrant?

Mr. BENSINGER. I certainly could. Dr. Murdoch in New Hampshire ordered 2 percent of the Nation's amphetamine supply.

Mr. HIGHTOWER. He had a mail order operation perhaps?

Mr. BENSINGER. Well, he was sentenced to 10 years in prison, but the sentence was suspended. He is still not behind bars. There is an example of a targeted registrant.

RESEARCH AND DEVELOPMENT

Mr. HIGHTOWER. I think you picked a good one. What are the most critical elements of your research and development program?

Mr. BENSINGER. There will be three that I will talk on initially. One is self-protection of the agents. Our agents go in a live environment, a street environment, that, in my personal opinion from over a dozen years in the criminal justice field, is the most difficult and dangerous and volatile. They are working undercover. They are working with people who are often involved, if not using, the drugs exposed to a tempestuous environment. Firearms go part and parcel with large amounts of money in the drug traffic.

Our agents need to protect themselves from violence. There are such things as beepers that they may have on their person, concealed. We could demonstrate in private session to you and the Chairman such items, because I wouldn't like to go public on them. Then there are methods of voice communication, in which the statement from one of the traffickers that we are investigating is re-

corded, and research methods which allow an agent to carry around on their person this vest. I don't know what this weighs, maybe two pounds, but we have got a vest that weighs about two pounds that is bullet-proof that can be worn underneath the shirt.

Mr. HIGHTOWER. And matches the suit?

Mr. BENSINGER. It could or couldn't. It is made with a special kind of a nylon substance, and generally is worn underneath, and it protects lives. That kind of research is essential.

A second kind of research is used in the placement of devices through our guidelines, in accordance, of course, with the law, on vehicle, vessels or aircraft, transponders, beepers. Long-range vision devices are another enforcement tool.

There was a methamphetamine lab in one of the bayous of Louisiana being set up. It must be the mosquito haven of the world, and the agents physically couldn't carry on surveillance. It was a nightmare of bites, insects and the like, day in and day out waiting and watching a methamphetamine lab operation. They were able to mount a 24-hour camera and save themselves some loss of blood and energy.

There are technical developments of that nature, and we work with the Coast Guard and with Customs on some of their research equipment, too.

Mr. HIGHTOWER. Very interesting.

Mr. Chairman, I have about six more questions. I won't impose on the committee, but if I may submit them for the record, I would appreciate it.

Mr. BENSINGER. I appreciate your interest, Congressman.

[The information follows:]

QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

El Paso Intelligence Center

Would you please describe the functions of the El Paso Intelligence center?

The El Paso Intelligence Center (EPIC), established at El Paso, Texas, in 1974, is an interagency intelligence center managed by DEA for the purpose of enhancing intelligence exchange and analysis on a 24-hour basis between federal, state and local agencies. There is joint participation by the Immigration and Naturalization Service, the U.S. Customs Service, the Federal Aviation Administration, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Coast Guard. Also, the Department of Defense, Department of State, Federal Bureau of Investigation, Internal Revenue Service, U.S. Marshals Service, and many state law enforcement agencies are associated with EPIC.

EPIC's primary service is to support operational enforcement elements through real time, direct responses. The present policy is to provide information for the investigation and enforcement of U.S. laws against narcotic smuggling and trafficking, illegal aliens, and narcotic-related arms transactions. Activity has grown at EPIC since 1975 from 16,745 transactions during that year to over 164,000 during 1980. EPIC publishes Special Reports and the EPIC Weekly Brief to provide details of narcotics activity to a wide variety of federal, state and local narcotics organizations. Of particular value are the Special Reports especially edited and compiled for state and local law enforcement.

The front line unit at EPIC is the Watch, whose officers provide a knowledgeable, experienced team to interact with other law enforcement officers cabling or telephoning EPIC for information. With one call or teletype, a requestor from the field has access to the data bases of the EPIC member agencies. As a situation develops, the interrelationship of criminal activities on a larger scale may require the special expertise of the Analysis Section. The EPIC Analysis Section's special capability is to collect and disseminate intelligence on statute violations which come under the jurisdictions of more than one member of the law enforcement community represented at EPIC.

Drug Profits

You mention \$64 billion in retail profits in illegal drugs. How do you arrive at this figure?

The latest Narcotics Intelligence Estimate of \$64 billion in retail sales during 1979 is the mid-point of the range that results from summing the retail values for illicit drugs consumed in the United States. (See Figure 1 attached)

Figure 1
Consumption and Retail Value of Drugs Supplied to the
Illicit U.S. Market, 1978-79

	1978		1979	
	Quantity (Metric Tons)	Retail Value (Million U.S. Dollars)	Quantity (Metric Tons)	Retail Value (Million U.S. Dollars)
Heroin	3.7-4.5	\$6,770-8,230	3.1-4.0	\$7,100-9,160
Cocaine	19-25	12,350-16,250	25-31	19,500-24,180
Marihuana	8,800-11,900*	12,350-17,230*	10,000-13,600	15,480-21,930
Hashish	200	680-720	200	680-720
Dangerous Drugs	--	10,000-15,000	--	12,000-17,000
Total		\$42,150-57,430*		\$54,760-72,990

* Revised estimates.

Source: National Narcotics Intelligence, Consumers Committee (NNICC)

Representative prices were applied to these components in the Narcotics Intelligence Estimate in 1978. It was roughly estimated that trafficking in dangerous drugs increased about \$2 billion from 1978 to 1979.

Domestic Marihuana Cultivation

Why don't we have more effective control of domestically cultivated marihuana?

Federal policy has placed marihuana at the bottom of the priority list for resource application. Historically, domestically cultivated marihuana, being of very low quality, was not sought in the drug milieu and was largely ignored by law enforcement. In the last two years the cultivation process which produces the extremely potent "sinsemilla" (Spanish for without seeds) marihuana has become generally known. From a few gardens grown mainly on the hillsides of Hawaii, northern California and southern Oregon the cultivation of sinsemilla has proliferated throughout those states, spurred by an expanding market and extraordinary prices.

In the past two years, DEA has supported the efforts of California authorities to control this effort through funding, aircraft, and investigative support. At the present time, DEA is conducting a survey to determine the extent of high grade marihuana cultivation in a number of states. This survey should trigger cooperative DEA, state and local efforts to control cultivation in those states. This enhanced effort will be initiated in 1981.

Bail Violation

What Congressional action might be taken to prevent captured offenders from jumping bail? I understand this is increasing at an alarming rate.

The Bail Reform Act of 1966 should be amended to provide that any person charged with a criminal offense be released or detained upon conditions set by a judicial officer. Bail should be set based on assessments of the probability of the person fleeing the jurisdiction of the court; the person's potential threat to the witnesses and evidence in the case; and the likelihood of the person continuing his criminal activity while free on bail.

The mandated personal recognizance release provisions under the Bail Reform Act have contributed to the number (2,960) of DEA fugitives. The courts lack adequate discretion and authority to fully prescribe conditions or use alternative approaches to bail, thus assuring appearance at trial. This has necessitated the expenditure of time and other resources on DEA's part to reaprehend offenders. This time, money and effort could be more effectively used to accomplish our law enforcement mission.

The proposed amendment, by restoring to judicial officers the discretion and flexibility to fix the amount of bail and terms of release, would permit alternative approaches to personal recognizance. These alternatives are more consistent with constitutional standards of

The method used to arrive at these values was, in general, to estimate the number of users, the average quantity consumed by each user and then to multiply the total quantity thus calculated by a representative retail price.

The specific methodology used for each drug is explained below:

Heroin: Heroin abuse and availability indicators as well as consumption trend information suggested that the number of heroin users in the United States was moderately higher than the estimated 380,000 heroin addicts in 1978.

It is estimated, largely on the basis of a drop in average heroin purity, that users' average daily intake may have fallen somewhat below the previously estimated 1978 level of 24 to 29 milligrams (pure). An average price of \$2.29 per pure milligram was used to calculate the retail value of heroin in 1979, as reflected in Figure 1.

Cocaine: The 1979 National Survey on Drug Abuse indicated that there were approximately 9.7 million persons who used cocaine in that year.

The consumption requirement of cocaine rose to 31.5 tons in 1979. This tonnage figure was arrived at by applying the same frequency-of-use table that was used in previous National Narcotics Intelligence Consumers Committee estimates. The average price of cocaine during 1979 was 78 cents per pure milligram.

Marihuana: It was estimated that 22.6 million persons in the United States used marihuana in 1979. Applying this to a previously used frequency-of-use table, it was calculated that 10,000 to 13,600 metric tons were consumed in the year 1979. This represents marihuana from four major sources and the cost varied with each one. The applicable retail prices for 1979 were as follows:

<u>Marihuana</u>	<u>Average Price per ounce</u>
Colombian	\$45
Mexican	30
Jamaican	40
Domestic	50 - 75

Hashish: The estimated hashish imports in 1979 (200 metric tons) are equivalent in THC content to 1,000 metric tons of marihuana. Thus, hashish accounted for about seven to nine percent of the total cannabis consumption in 1979. The retail price of hashish was approximately \$100 per ounce. Therefore, the 200 metric tons had an estimated value of \$680 to \$720 million at the retail distribution level as shown on the attached Figure 1.

Dangerous Drugs: A crude methodology had to be used for this category because of a lack of data on the number of abusers and their frequency of use. Therefore, an estimate was made to determine the magnitude of:

- (1) diversion from legitimate manufacturing and distribution channels,
- (2) output of domestic clandestine laboratories, and
- (3) illicit imports of diverted and clandestinely manufactured drugs.

assuring presence at trial, and that the amount of bail is not excessive. Utilization of these criteria to determine bail would have a deterrent effect on criminal activity.

Foreign Cooperation

Do our European allies (such as France or West Germany) have a better chance of influencing the drug policies of Governments in Southwest Asia than we do?

Allied governments certainly have a greater chance of influencing drug policies in those countries where DEA no longer maintains a presence.

DEA maintains an actual presence in major European countries. One of the primary purposes of our offices is to maintain an optimal balance with allied governments to influence global narcotic strategy. This approach is especially advantageous in the European countries which are victim to the drug situation of Southwest Asia. At the same time they are influential with many of the governments due to historic, economic, and social ties. Therefore, the combination of circumstances allows the United States to share in shaping strategies of European governments who in turn are actively attempting to influence the drug policies of the Southwest Asian Governments. For example, Germany has ongoing narcotic enforcement support and funds for Turkey, which we encourage.

Asset Seizures

Describe your techniques in directing your efforts to the control of the trafficker's assets.

DEA's asset forfeiture policy and the program that supports it are a major part of overall drug enforcement strategy. The integrated enforcement approach, upon which domestic drug supply reduction effort is based, involves a three-dimensional thrust:

- . the arrest and incarceration of major traffickers;
- . The removal of drugs from illegitimate distribution networks; and
- . the removal of the lifeblood of trafficking organizations--their assets.

It is important to emphasize that DEA is primarily a narcotics law enforcement agency. Within this context, DEA's asset forfeiture program is designed to vigorously pursue asset removal through the exploitation of all high-level cases. The successful conduct of these exploitative actions is tied to a financial investigations management system embracing numerous functions:

- . case review at several levels;
- . strategic and operational intelligence support;
- . interface with U.S. Attorneys and the Criminal Division;
- . an established asset removal reporting system;

- . incorporation of asset removal activities into the performance measurement scheme; and
- . close cooperation with other agencies.

Progress in the development of financial investigative expertise has also accelerated. As of the end of 1980, over 60 percent of DEA's criminal investigator force had specialized training in financial aspects of investigations and by the end of 1981, 95 to 100 percent of the agents will have received such training. Expertise gained as a result of actual work on cases involving real or potential asset removals has also progressed. The agents have placed greater emphasis on the asset removal component of their investigative efforts.

A crucial aspect of DEA's progress in the asset removal area is the formulation of interagency agreements, most notably with the Internal Revenue Service (IRS) and U.S. Customs Service (Customs). In February 1980, DEA and IRS updated a formal agreement involving not only the sharing of information, but also the provision of specialized assistance in the financial investigative area. DEA is currently conducting 36 cooperative investigations with IRS. Similarly, since 1975, DEA and Customs have been operating under a formal "Memorandum of Understanding" permitting the provision of currency transaction information to DEA for case exploitation and targeting purposes. The potential for identifying and removing the assets of major violators via the mechanisms established under these cooperative agreements could be greater. Amendments to the Tax Reform Act of 1976 and the Right to Financial Privacy Act of 1978 are currently being discussed.

Program management improvements such as the following have been instituted:

- . the institution of an asset seizure and forfeiture reporting system;
- . the continuous distribution of policy and procedure guidelines to DEA's field offices; and
- . the incorporation into DEA's internal evaluation system of performance measures aimed at assessing asset forfeiture results.

ASSET SEIZURE

Mr. SMITH. Mr. Dwyer?

Mr. DWYER. Thank you, Mr. Chairman.

Just one question. You mentioned \$150 million of seizure of assets. Would that be bank assets or would it be mostly money?

Mr. BENSINGER. A lot of it will be cash. There will be an airport or two in it, some real estate.

Mr. DWYER. Is that liquid?

Mr. BENSINGER. There will be probably stocks, bonds, vehicles, vessels, aircraft. But we are looking more and more to property. We have seized 24 very prime choice pieces of land in Orange County, California, some very large homes in Beverly Hills. I am serious.

Mr. DWYER. I believe it.

Mr. BENSINGER. And real estate, extensive real estate in Georgia, Missouri, and Illinois. The recent *Wilson* case, a major heroin trafficker, had 47 different apartments, so that is what I am talking about in the asset value. A lot of it will be cash.

Mr. DWYER. I was in Florida a couple of days ago, or a couple of weeks ago, and I saw a headline in the paper where there was over \$60 million in bank assets that were frozen or seized.

Did I catch that type of a headline?

Mr. BENSINGER. Yes, sir. And there is probably \$60 billion in this total field.

Mr. DWYER. I also saw on this same page where they have safety deposit boxes open 24 hours a day in Miami.

Mr. BENSINGER. And there are a lot of safety deposit boxes open 24 hours a day in the Bahamas and the Cayman Islands which are receiving a good deal of money from Miami.

Mr. DWYER. There would probably be some sizable forfeitures to the Treasury ultimately?

Mr. BENSINGER. Our district offices have that assignment, sir.

Mr. DWYER. Thank you, Mr. Chairman.

FACILITIES PROBLEMS

Mr. SMITH. Do you coordinate with GSA in regard to seizing the property that they are going to need?

Mr. BENSINGER. Chairman Smith, if I didn't make a comment about GSA facilities, I would be passing a great opportunity. We need help.

Mr. SMITH. In what regard?

Mr. BENSINGER. Space. Fresno, Washington, other locations, and I am sure—

Mr. SMITH. You are not permitted to keep any of the facilities that you seize?

Mr. BENSINGER. No, sir.

Mr. SMITH. They have to be turned over to the Treasury?

Mr. BENSINGER. That is correct.

Mr. SMITH. Have you talked to GSA about it?

Mr. BENSINGER. I have.

Mr. SMITH. And what do they say?

Mr. BENSINGER. Well, they generally assign someone to assist us in the area, and it takes a good deal of time to see the fruits of our

discussions bloom. I think the new Administration will be undoubtedly supportive of the needs of law enforcement. I have seen that signal. I am hopeful that space for criminal investigative agencies and modernization and facilities for our equipment—

Mr. SMITH. Where do you need this space?

Mr. BENSINGER. We have a list that we would be happy to provide the committee with, honestly.

Mr. SMITH. Yes, do that.

Mr. BENSINGER. I would like to, sir.

[The information follows:]

DRUG ENFORCEMENT ADMINISTRATION—PENDING SPACE REQUISITION REQUEST

Date of request to GSA (SF-81)	Location	Square feet	
		Office	Parking
July 8, 1976.....	Las Cruces, N. Mex.....	327	1,000
Oct. 17, 1977.....	Houston, Tex.....	550	400
Jan. 6, 1978.....	Washington, D.C. district office.....	11,505	14,100
Feb. 17, 1978.....	Chicago, Illinois regional office.....	11,000	
Apr. 25, 1978.....	Chicago, Illinois district office.....	20,525	
Dec. 29, 1978.....	New York, N.Y.....	9,000	
Sept. 17, 1979.....	Yuma, Ariz.....	2,665	3,900
Sept. 29, 1979.....	Miami, Fla. district office.....	15,000	
Dec. 5, 1979.....	Washington, D.C. headquarters.....	19,954	
Jan. 11, 1980.....	Baltimore, Washington International Airport.....	193	600
Jan. 30, 1980.....	Fort Myers, Fla.....	900	1,200
Feb. 8, 1980.....	Springfield, Mass.....		1,200
Mar. 3, 1980.....	Bridgeport, Conn.....	700	600
May 6, 1980.....	Atlantic City, N.J.....	1,401	
May 21, 1980.....	San Francisco, Calif. laboratory.....	7,794	300
Aug. 16, 1980.....	Galveston, Tex.....	4,185	3,000

Note.—The situation in Fresno, Calif., is no longer a problem. In early December 1980 GSA advised that our office would be moved, adequate replacement space was accepted on Feb. 25, 1981, and we will move in approximately May 1, 1981.

FACILITIES PROBLEMS

Mr. SMITH. These are locations and spaces that you have submitted requisitions for to the GSA?

Mr. BENSINGER. Yes, sir.

Mr. SMITH. And also provide when you first submitted those requests to GSA.

Mr. BENSINGER. I would like to do that, sir.

Mr. SMITH. And full information on it.

Mr. BENSINGER. Thank you. I will.

HERBICIDE

Mr. SMITH. The law you mentioned doesn't specifically refer to paraquat, does it? Is it any herbicide or is it paraquat?

Mr. BENSINGER. The law itself refers to a herbicide for the spraying of marijuana. Paraquat has been determined by the U.N., I might add, to be the most effective herbicide on marijuana.

Mr. SMITH. Of course it is because it destroys everything that is alive at the time. It is a contact spray.

Mr. BENSINGER. It is a weedkiller.

Mr. SMITH. Yes, there are many weedkillers that won't kill marijuana including 2-4D.

Mr. BENSINGER. It would accelerate its life.

Mr. SMITH. And 2-4D won't kill grass, but it will kill hemp or broadleaf.

Mr. BENSINGER. It is a problem.

Mr. SMITH. You can't use a different herbicide?

Mr. BENSINGER. We need to use one that would be effective.

Mr. HIGHTOWER. Mr. Chairman, would you yield at that point?

Mr. SMITH. Yes.

Mr. HIGHTOWER. Could you spray some kind of substance on the marijuana that wouldn't kill it but would make it taste like quinine or something?

Mr. BENSINGER. That is what we were talking about.

Mr. HIGHTOWER. But a herbicide is to kill the plant. Of course, it has the additional beneficial effect of tasting bad. Why not spray a substance that would permanently attach and be repugnant to a user?

Mr. BENSINGER. I am in a field where chemically and educationally I am not really competent to respond. The Department of Agriculture has experimented with an odorant and a marker. Both have had problems, they tell us, both legally and logistically in terms of application and in terms of the willingness of a manufacturer to sell it to the government, and then not get sued by some future user for damage to one's health, or all sorts of issues, psychological damages, anxiety.

Mr. SMITH. We were talking about one that you couldn't smell but would cause nausea; you wouldn't know if you were getting it or not.

It seems to me that you have two legislative problems here. One is to figure out a way in which an agent can be used. It seems to me you might be able to do that by having the DEA buy the material.

That doesn't affect you, and you could go to another country and distribute it to be used.

Mr. BENSINGER. Except that we can't legally give out foreign assistance funds or materials. The State Department is the agency that distributes it.

FOREIGN ASSISTANCE

Mr. SMITH. Why can't you give that particular material out?

Mr. BENSINGER. Sir, if we have a method of destroying the crop at the source, we should find it but our Agency has no authority to provide overseas aid.

Mr. SMITH. I am not talking about destroying the crop. I am talking about distributing some of it here and there throughout the fields. If you can't get it done through the legislative committees, we might be able to figure out a way to get it done in the appropriation process, by the time we get back from conference.

Mr. BENSINGER. Maybe you will have some opportunity in talking with the State people to get their ideas on it because they have been the ones providing funding and the equipment. Our agents in foreign countries don't have law enforcement authority, and don't make available any equipment or supplies except through the specific direction of the Ambassador.

Mr. SMITH. The first problem has to do with repealing the act. That is straight forward. Perhaps we can work with the author-

izing committees and the Foreign Operations subcommittee on this matter.

Mr. BENSINGER. Correct.

Mr. SMITH. We would have to figure out what kind of language would be required to do what you need to do and no more. I think if you work on that language that we will try to work with the other committees and see if during the course of this bill we can't get something done on that.

Mr. BENSINGER. I would be happy to lend our efforts in that direction, sir.

Mr. SMITH. Thank you, Mr. Bensinger.

[The following questions were submitted for the record by Chairman Smith:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Position Reduction

Page 2 of the revised justifications indicates that your budget request is \$7,730,000 below the original budget of \$236,254,000. The justifications also indicate a proposed reduction of 174 positions from the original budget request. What programs would be reduced and are you satisfied that the amended budget request is sufficient for DEA to carry out its mandated responsibilities?

The programs reduced are as follows:

	<u>Positions</u>
Domestic enforcement.....	20
Compliance and Regulation.....	47
State and Local Task Forces.....	86
Diversion Investigative Units.....	21
Total.....	<u>174</u>

Under this budget request, DEA will place its emphasis upon programs of primary federal responsibility while attempting to meet all operational commitments within available resources. The decision to reduce state and local task forces is a policy decision which will impact on liaison and leverage in several cities.

How many of the 174 positions are filled and what action will be necessary to comply with the revised ceiling for FY 1982?

The revised 1982 authorized positions requested total 3,897, while currently DEA has 3,983 full-time permanent employees in pay status, therefore, 86 of the 174 positions are filled.

It is anticipated that reduction-in-force will not be necessary because of normal attrition.

Vehicle Replacement or Seizure

Page 1 of the revised justifications indicates that you are requesting authority in the appropriation language to purchase 277 automobiles for replacement only. How much will those vehicles cost?

An increase of \$1,400,000 provides for the replacement of 277 passenger motor vehicles at an estimated average unit cost of \$7,600 per vehicle, or an overall cost of \$2,108,000, offset by proceeds of \$702,000 from the sale of vehicles that are no longer economical to operate.

In light of the interest in reducing the budget, the fact that DEA seizes over 700 vehicles a year, why can't more of your vehicle replacement needs be satisfied from seizures?

All seizures are not suitable for DEA use. Many are special purpose vehicles, i.e., trucks, campers, motor homes, motorcycles, etc., and many are not economical for DEA use. Further, as violators become more sophisticated and more aware of federal seizure authority, we

find that fewer vehicles, which would otherwise be subject to seizure, are owned by the violators. Violators are leasing vehicles in many cases and making only minimum down payments in other cases. Innocent third parties, such as rental agencies and lien holders, are given custody of the vehicles in these instances.

In FY 1980, how many seized vehicles were added to DEA's vehicle inventory and what percent of the inventory at the end of the fiscal year was composed of seized vehicles?

In 1980, DEA added to the inventory 120 passenger sedans. This resulted in the fleet being composed of 21.4 percent seized vehicles.

Would you provide estimates in this regard for FY 1981?

It is estimated that 150 seized passenger motor vehicles will be placed in service during 1981.

Do you provide other agencies with vehicles or seek seized vehicles from other agencies such as the IRS or the Customs Service in the Treasury Department?

Yes. DEA provides other agencies with seized vehicles that are not suitable for DEA use; i.e., FBI, U.S. Marshals Service, Criminal Investigations Division (U.S. Army), Office of Special Investigations (U.S. Air Force), U.S. Customs, and IRS.

We also seek suitable vehicles from the Department of Treasury, other Department of Justice agencies, and other available sources.

PE/PI Funding

You are seeking an additional change in the appropriation language which would make \$1,700,000 available for the purchase of evidence any payments for information until September 30, 1983. Why do you need this change?

Purchase of evidence and payment of informant (PE/PI) funds are used to purchase drugs and controlled substances in undercover operations, to pay informants, etc. Heretofore DEA's PE/PI funds have been "one year" funds; any part of the appropriation not obligated by September 30 must be returned to the Treasury. This has complicated the administration of the PE/PI accounts at the end of each year.

PE/PI funds are a widely used and indispensable tool in drug law enforcement; indeed, it is difficult to imagine how a drug agent could function without the ability to buy drugs and purchase information. Since PE/PI funds are used in virtually every drug case, it is impractical to manage or control these funds from a central place, e.g., headquarters or even a regional office. Management of the funds, while subject to rigorous controls, is decentralized to the lowest self-contained DEA organizational unit: the resident office.

Decentralized allocations, coupled with the unpredictability of expenditure opportunities, often result in compromised decision-making when the availability of funds is time constrained.

The typical DEA office manager faces a real quandary in the utilization of PE/PI funds, especially in the fourth quarter of the fiscal year. His initial allocation is—for want of a better measure—related to the amount of PE/PI his office used in the prior year. His allocation in the year to come will be based on what he expends this year, which is directly related to investigative activity and availability of drugs. The office manager is hesitant to expend his entire allocation for the current year by, say, the end of August, since this would leave him nothing to use for the "big" case or a case involving a higher priority type of drug that might come up in September. On the other hand, if he holds PE/PI funds in reserve for use in the last month or the last week of the fiscal year, and if the "big" (or priority) case does not develop on schedule, he is left with unobligated PE/PI balances.

The administration and accountability for PE/PI funds are as tightly controlled as a program can be, and an extensive system of integrity safeguards has been adopted to assure that PE/PI funds are not misused. Nevertheless, given the unpredictability of drug-purchasing opportunities, it is not possible to develop guidelines or regulations to guard against less than optimal year-end spending.

"One year" spending of PE/PI leads to other problems. Medium and long-range operations must often be terminated at the end of a fiscal year and be started again in the new year. Many operations must come to a halt for the two weeks or so at the beginning of the year that it takes to distribute PE/PI allowances to the field. The use of Treasury flashrolls must be curtailed at the end of the year because, if a flashroll should be lost, there are no funds in reserve to make up the loss—putting the agency in a deficiency position. The proposed change in the appropriations language will eliminate the disruptive nature of "one year" funding and remove any possible incentive for less than optimal management of the PE/PI accounts. If as little as \$1,700,000, or 15 percent of the total amount requested for PE/PI in FY 1982, is appropriated on a two-year basis, efficiency will be improved to the point where the operations themselves will be enhanced. Consider the following examples:

1. Medium and long-range operations could be continued without termination or interruption due to fiscal year-end.
2. The agency would be able to respond to unforeseen targets of opportunity that develop late in the fiscal year. Under the present system there are often insufficient funds remaining in the PE/PI accounts because they were spent on less meritorious cases earlier in the year. In such situations, the opportunity may be lost before new funding becomes available.
3. Fourth quarter fiscal planning would be more rational, and tacit pressure to "spend or lose" would no longer exist. Promising investigations could be developed to their fullest potential; under present conditions management may be forced to execute a planned purchase earlier than is desirable to avoid the loss of PE/PI even when, given more time, additional or higher-level violators might be implicated in the transaction.
4. Flashrolls could be utilized without risk of disruption to other operations. At present, flashrolls must be backed up by earmarked funds available either at headquarters or regional levels, even though there is no intention to spend them. Where this

occurs late in the fourth quarter, the opportunity to re-use these funds for other purposes may well be lost.

It is important to emphasize that DEA is not proposing an increase in PE/PI funding. The proposal is simply to permit the agency to "carry over" a limited portion of the appropriation into the following year, in recognition of the unpredictability of criminal activities.

How much is available for the purchase of evidence and payments for information in FY 1981?

Available funding for PE/PI in 1981 is \$9,568,000.

How much was available in FY 1980?

Available funding for PE/PI in 1980 was \$10,965,000.

Mexican Border

Recently, President Reagan discussed the possibility of opening the border with Mexico to the free movement of citizens between the two countries. What is your assessment of the affect that such an action would have on the movement of drugs across the Mexican border into the U.S.?

From DEA's point of view free movement of citizens between Mexico and the United States would have a serious negative effect on the drug interdiction program of the United States.

Traditionally, the movement of Mexican heroin into the United States has been, in great part, accomplished by land smuggling across the common border rather than via private aircraft. The ability to watch known violators and vehicles at the border is a principal enforcement technique now in effect which would be lost in a free movement situation.

Current trafficking patterns have revealed the transshipment of heroin from Southeast and Southwest Asia through Mexico. This trend gives greater importance to the need to have U.S./Mexican border control. In addition, current trends indicate greater use of Mexico for the transshipment of cocaine from South America to the U.S.

Compliance Activities

I would like to return to the proposed reduction from the original request for a moment. DEA has been conducting cyclical investigations of DEA registrants at the wholesale level every three years. How will the proposed position cuts impact on this cycle?

DEA will continue to enforce the provisions of the Controlled Substances Act (CSA) as they pertain to the diversion of legally produced controlled substances into the illicit market. However, DEA will reduce its effort in the area of periodic (cyclic) investigation of drug manufacturers and distributors who have a documented history of compliance with the provisions of the CSA. Manufacturers and distributors with past violative history, and suspected practitioner

divertors will continue to receive the vast bulk of attention. It is our expectation that reduced oversight will not result in increased non-compliance among these previously non-violative firms.

What other negative impacts, if any, will these cuts cause?

In addition to the reduction in the frequency of investigations and its reduction of 100 cyclic investigations identified with registrants who present a less obvious risk to the public health and welfare, there will be a reduction in registration procedures which will result in delays in handling re-registrations; a reduction in pharmacological expertise and elimination of economic analysis of regulations; and a reduction in analytic activities which provide violator targeting information for DEA and state level enforcement activity.

Aircraft Replacement or Seizure

In 1979, it was noted that DEA seized nine aircraft. To what extent has DEA used such aircraft for its purposes?

Two seized aircraft were placed in service in 1979. One was a 1965 light twin engine airplane seized in April 1976, and the other a 1976 single engine airplane seized in November, 1977. A total of five single engine and five light twin engine aircraft, currently in the DEA fleet, were seized and forfeited to the government.

Have you considered fulfilling your aircraft needs from excess military aircraft, or seized aircraft from other government agencies?

Of the 40 aircraft we operate, 16 were acquired from the Department of Defense.

Two are heavy twin engine airplanes and 14 are light single engine airplanes. All were acquired in 1975 and 1976.

Most military aircraft are jets. Those propeller-type aircraft which are excessed have high time and would require reconditioning. Some are not suited to DEA's mission and those that could be adapted have high operating costs. As an example, the two heavy twins acquired from DOD burn an average of 150 gallons of fuel per hour. Most new aircraft meeting DEA's mission needs would be far more fuel efficient, in the 40 gallon per hour range or lower.

DEA and the U.S. Customs Service are the two principal agencies which seize aircraft, and most aircraft seized are involved in illicit drug trafficking.

DEA has acquired several excellent aircraft through seizure. However, for the following reasons, we can expect to acquire a limited number through this means:

- . Many aircraft seized in drug trafficking investigations are not forfeited to the government since the aircraft owner is judged to be an innocent party.

- . Many aircraft are not owned outright by the trafficker. Therefore, any outstanding lien must be satisfied by the government; these frequently exceed \$100,000.
- . Many aircraft used in the illicit drug traffic are damaged due to crashes. Most traffickers do not keep required maintenance records nor is required maintenance done. Aircraft are frequently overloaded causing metal fatigue which cannot be detected.
- . The forfeiture process takes considerable time (sometimes years). This results in deterioration of aircraft under seizure.

Voice Privacy

The justification indicates that \$1,000,000 of the proposed increase for technical operations is to accelerate implementation of the voice privacy feature for DEA's ultra-high frequency radio system. Would the appropriation of these funds enable DEA to complete the implementation of this system?

No. The system must be phased in and is anticipated to be completed in 1986.

If not, how much in additional funds would be needed and when would the system be completed?

As currently planned, the continuation of the \$2,000,000 base program from the 1982 budget will allow completion of the system in 1986.

Foreign Cooperative Investigations

Under Foreign Cooperative Investigations, you are requesting a total of ten additional positions and \$1,101,000. What are the elements of this request?

The elements of this proposal are as follows:

Southwest Asian Heroin Thrust:	
Salaries (for 7 agents, 3 Intelligence specialists)...	\$176,000
Administratively uncontrollable overtime.....	25,000
Benefits.....	18,000
Total, payroll related.....	219,000
Operating expenses, i.e., travel gasoline, supplies...	100,000
Purchase of Evidence/Payment for Information (PE/PI)..	48,000
Permanent change of station.....	115,000
Physical examinations.....	1,000
Public Health Service.....	1,000
Entry-level training.....	63,000
Background investigations.....	10,000
Vehicles.....	60,000
Technical investigative equipment.....	4,000

Radios:	
Portable.....	3,000
Mobile.....	14,000
Operating equipment.....	13,000
Subtotal.....	651,000
Special Field Intelligence program.....	300,000
Total Southwest Asian Heroin.....	951,000
Expand access to the DEA Automated Teleprocessing System (DATS) for 16 overseas offices.....	150,000
Grand total Foreign Cooperative Investigations Program..	1,101,000

The justifications indicate that the ten positions are for the Southwest Asian Heroin Program. Why are you requesting additional resources for FY 1983 for this program when your revised supplemental request for FY 1981 deletes the request for supplemental resources for federal and state programs aimed at the Southwest Asian heroin trafficking?

The purpose of this request is to provide new positions and additional funding to directly impact the workload anticipated to be generated by the Southwest Asian heroin traffic. These positions are requested for the foreign cooperative investigative efforts in Europe and Southwest Asia to be as close as possible to the source of the problem.

It is critical to have effective programs in source countries, e.g., the successes in Mexico. There is a problem now in getting to the source in Southwest Asia; consequently, enforcement has moved to the second line of defense, the conversion and transshipment countries.

The previous administration had proposed to supplement the resources that are now being devoted to Southwest Asian heroin by adding 20 new positions to domestic enforcement, and resources to supplement state and local efforts. It has now been decided that current staffing is sufficient, and that DEA can maintain the domestic enforcement momentum while concentrating on key foreign host countries. More than 300 workyears will be directed to this effort during 1981 and 1982.

Domestic Monitor Program

In March 1980, I understand that you initiated a retail-level heroin program in seven major U.S. cities to develop intelligence information concerning the influx of Southwest Asian heroin. Is this program still going on and if so, have any changes been made to the scope of the program?

The retail-level heroin program initiated in March 1980, was modeled after a similar intelligence probe conducted in New York City during 1979, and known as the Domestic Monitor Program. Though the primary impetus for the program was to develop intelligence information relating to the influx of Southwest Asian heroin into the United States, its scope and purpose have been enlarged to monitor all types of heroin available at the lowest retail heroin user level.

The program is still active. During 1981, selected cities are being monitored on a continuous rather than a one-time basis to provide more continuity to the program.

Have any cities been dropped or added to the program?

Commencing with seven cities in March 1980, the Domestic Monitor Program was expanded to include an additional 11 cities, totaling 18 cities as follows: Atlanta, Baltimore, Boston, Chicago, Denver, Detroit, Houston, Kansas City, (Mo), Los Angeles, New Orleans, New York, Philadelphia, Phoenix, Pittsburgh, San Francisco, San Juan/Ponce, Seattle, and Washington, D.C.

In 1981 five cities, which were known to have a high heroin abuse problem, were selected for continuous participation. The selected cities were Atlanta, Detroit, Los Angeles, New York and San Antonio.

What trends have been shown as the result of this study?

Observations derived from the Domestic Monitor Program are:

- . Southwest Asian heroin accounted for 51 percent of the exhibits collected, clearly dominating the overall market, especially in the Eastern cities. New York City continues to be the primary domestic source of supply for this heroin, providing the best quality at the lowest prices.
- . Mexican heroin remains dominant in Chicago and westward. One exception was San Francisco. This is attributed to the large Iranian population and the so-called recreational use of heroin, smoking, snorting, or skin popping by the affluent.
- . Southeast Asian heroin availability has declined in each successive program. This trend could be reversed if there is a significant Southeast Asian opium poppy crop in 1981.
- . At the retail street level, there does not appear to be a correlation between price and quality. Rather, it appears to be a matter of consumer demand and what the traffic will bear. During 1980, heroin availability continued to increase.

Compliance Activities

The revised budget also reflects the elimination of the Diversion Investigative Units Program. How many of the Diversion Investigative Units are funded and active at the present time, and why was this program selected for elimination?

The DIU program currently has 23 identified active state-run units. Of these, 11 units are still functioning with federal funds made available during 1978-1981.

The units were especially designed to be state-operated with the individual states providing the heaviest concentration of funding workyear resources. DEA, with its "seed fund" concept, provided a portion of funding and workyear commitment for a period of two years to allow the states ample time to become self-sufficient.

When resources are constrained, programs which are not directed at primary federal responsibilities have been reduced to free up resources that can be used for higher priority undertakings.

How will this program be replaced?

The DIU program was established to help the states develop enforcement and prosecutive capabilities targeted at stopping the illegal diversion of controlled substances at the retail level. This aid took the form of seed funding and the availability of DEA investigators experienced in diversion matters. This program enabled interested states to complement DEA's enforcement program by bringing greater pressure to bear on the local retail drug market. This program has been successful in that DIUs have been established in most states, with a significant diversion problem, which have expressed an interest in the program. The DIUs which have been established are no longer dependent upon federal monies. Only those DIUs which are still in formation will need funding support through 1982.

We do not anticipate that any DIUs in existence at this time or under development will be affected by this decision. The only impact will be that seed funding will not be available for development of additional DIUs in the future. Since many of the states which do not have DIUs at this time have not placed a high priority upon control of illegal diversion, the impact upon drug law enforcement of eliminating this program should be minimal.

DEA, as a matter of policy, will be increasing efforts in the area of targeting the most significant diversion by practitioners.

Financial Investigations

The justifications do show an increase of 26 positions and \$1,565,000 for the Domestic Enforcement Program. These resources would provide for 26 special agents with financial or accounting backgrounds for investigation of the financial aspects of major drug cases. How many special agents with these qualifications do you have at the present time, and why isn't that level adequate?

At the present time, the Drug Enforcement Administration has identified 249 agents who have training in such areas as Accounting, Business Administration, Marketing and Economics. The increase of 26 positions is to increase emphasis on drug asset removal investigative follow through in major narcotics investigations.

Why can't you call on the FBI for additional assistance in this area if you need it?

I have met with FBI Director Webster and we have a firm understanding of the value of cooperative efforts. We are getting help from the FBI. I envision more joint activities.

Data Security

The justifications also indicate that you are requesting an additional \$740,000 to improve data communications security through the pur-

chase of data encryption devices. The reason given for this request is that unauthorized access to the automated teleprocessing system could compromise an investigation or place DEA personnel in jeopardy.

Does DEA have any evidence that DATS transmissions have been intercepted in the past, and if so, what damage resulted?

With today's automation technology, ease of penetration of existing hardware communications circuitry, etc., there is no method to detect such covert acts. DEA in 1979, using an independent commercial contractor, evaluated its existing ADP operating methods, including its nationwide DATS system for detection of security deficiencies. The major area of concern by the contractor, from a security viewpoint, was the clear-text transmission of drug law enforcement data between the Department of Justice computer center and DEA's remote locations. There is no hard evidence that the system has been penetrated or that data has been obtained from such penetration. Conversely, there is no evidence that such penetrations have not been accomplished and are not now continuing. Just as with fire insurance on a home, the need for protection of DATS data is based on the many proven crimes that are perpetuated against ADP systems. The nature of these discovered crimes clearly demonstrate that ADP data, if it is a primary resource of an operating entity (commercial, federal, state or whatever), requires physical and communications security. The use of commercial data encryption devices does not provide the degree of security that is imposed for National Defense classified material. It does provide the minimum level of encryption that is deemed to be necessary by DEA to protect DEA law enforcement data.

How much is the risk reduced by installing the requested devices?

Once installed the data encryption devices will substantially reduce the risk that usable drug law enforcement data will be obtained through covert DEA ADP communication system penetration. It will also substantially reduce the chance of accidental data access by computer or commercial communication failure which directs computer or communication input/output to the wrong destination. The encryption devices assure that whenever covert operations or accidents occur, the recipient obtains totally meaningless, indecipherable data.

Isn't it more likely that criminals would try to obtain information through bribery and extortion?

This question really has no definite, absolute answer. DEA has 4,000 employees, of which approximately 2,100 are either drug enforcement special agents or drug compliance investigators. The remaining 1,900 are employed in the many varied supporting functions necessary to operate the DEA organization. All DEA special agents and compliance investigators have access to drug law enforcement case data only on an absolutely controlled "need to know" basis. One thing that all DEA employee's having access to drug law enforcement data have in common is that each has been the subject of a rigid, background investigation prior to employment. This is updated on a routine, periodic basis. In essence, DEA has taken all available administrative actions and established a maximum degree of control to assure integrity of all DEA employees having access to drug law enforcement data. This is enforced by an internal security staff and program which is designed to detect any employee violating established security procedures. Any covert perpetrator attempting to obtain DEA data

is faced with two highly viable methods. The first is use of a DEA employee to obtain data (one instance detected, with the violator being prosecuted and sentenced by a federal court). The second is the penetration of the computer hardware or communications network on or in which the data is stored or processed. The perpetrator is further faced with a decision regarding expenditure of resources. In DEA's opinion it is much cheaper to penetrate the enforcement data system. Use of DEA employees for such penetration is detectable by DEA, there is a risk to the perpetrator that the involved employee is operating in a penetration situation of which DEA is totally aware and in which DEA is in total control. Unfortunately computer hardware, communication networks and computer software perform a given function for anyone having a desire, some ADP knowledge and a few hundred dollars per month to invest in a penetration. Also the ADP system does not turn states evidence when apprehended, nor does it leave telltale trails that ultimately lead to the covert perpetrator.

In summary, the covert violator of ADP systems can, at will, change or delete data base information. At a minimum such changes could create a grossly inaccurate data base. In the worst case, the entire data file could be destroyed. This would require restoration, which in the opinion of DEA would be more costly than the acquisition of the requested data encryption devices.

Aircraft Replacement

Under Technical Operations, you are requesting an increase of \$1,500,000. Five hundred thousand dollars of this increase is to provide for a planned aircraft replacement capability. What would the \$500,000 be used for specifically?

The request provides for the purchase of eight single-engine aircraft to implement a phased replacement plan. By 1982, over 57 percent of the current fixed-wing single engine fleet will be over 16 years of age with more than 66 percent over 10 years old. DEA's total aircraft will not be increased. Forty aircraft are owned by DEA.

FRIDAY, MARCH 27, 1981.

FEDERAL PRISON SYSTEM

WITNESSES

NORMAN A. CARLSON, DIRECTOR, BUREAU OF PRISONS
GARY R. MOTE, ASSISTANT DIRECTOR, DIVISION OF PLANNING AND DEVELOPMENT
GERALD M. FARKAS, ASSOCIATE COMMISSIONER, FEDERAL PRISON INDUSTRIES, INC.
ALLEN F. BREED, DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS
LUMAN N. RENSCH, JR., CHIEF, OFFICE OF BUDGET DEVELOPMENT
DAVID J. SWEDA, BUDGET OFFICER, OFFICE OF BUDGET DEVELOPMENT
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CHARLES R. NEILL, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF THE CONTROLLER
WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER [presiding]. The committee will be in order.

We are pleased to have with us today Mr. Norman A. Carlson, the Director, Bureau of Prisons, an old friend of the committee.

GENERAL STATEMENT

We are happy to have you before us today. We do have your prepared statement, which we will submit for the record, and we will be delighted to hear from you for any additional comments that you may wish to make.

[Mr. Carlson's prepared statement follows:]

DEPARTMENT OF JUSTICE

STATEMENT BY THE DIRECTOR, BUREAU OF PRISONS
NORMAN A. CARLSON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before you once again to discuss the Federal Prison System's budget request for 1982. As you will note, we are requesting an amended total of \$383,784,000 and 9,851 positions for 1982. This represents an increase of \$21,916,000 and a decrease of 362 positions from the anticipated current year levels.

Prison Population

Unlike prison populations in most of the states, the Federal prison population has decreased during the last three years. After reaching an all time high of 30,400 in August 1977, the inmate population has declined to a current level of 24,200. This total includes 1,750 Cuban detainees identified by the Immigration and Naturalization Service as having significant criminal records. By the end of this month, we plan to have most of the Cubans housed in a single facility - the U.S. Penitentiary, Atlanta, Georgia.

Systemwide, population is within existing institution capacity although several institutions currently remain overcrowded. We are actively working to correct these imbalances.

The principal reason for the decline in population was a shift in the Department's prosecution policy emphasizing white collar and organized crime, public corruption and major narcotic violations. Moreover, the number of

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inmates transferred to community treatment centers immediately prior to release, continues at a high level.

Attempts to project future prisoner population are extremely difficult because of the many variables involved. We believe, however, that the decline is over and observe that criminal filings by United States Attorneys have increased in recent months. If this trend continues, Federal prison population could very well begin to increase again. Additionally, changes in prosecution policy, particularly regarding bank robbery, could be expected to produce significant increases in new commitments.

McNeil Island

As you are aware, the Bureau was actively phasing out the antiquated U.S. Penitentiary, McNeil Island, Washington, and had planned to close the facility by October 1980, significantly ahead of the Congressionally mandated date of January 1, 1982. These plans were delayed, however, when the U.S. District Court for the Western District of Washington issued a restraining order preventing the transfer of 175 Cuban detainees from the institution until their exclusionary hearings were completed by the Immigration and Naturalization Service. That order was recently rescinded following completion of the hearings and the Cubans have been relocated to the U.S. Penitentiary, Atlanta, Georgia.

The State of Washington is experiencing severe prison overcrowding and is under court order to reduce the population at the state penitentiary. To help ameliorate this problem, we are assisting the State in obtaining a lease for the use of McNeil Island through the General Services Administration. Also, we have agreed to operate the institution to house up to 300 medium and minimum security state prisoners on a reimbursable basis until June 30, 1981. By that time, the

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state intends to negotiate an interim lease agreement to use the facility as a prison.

While our decision to locate the Cuban detainees at the Atlanta Penitentiary enables us to better manage the Cuban population, we have had to modify plans to reduce operations there to accomplish the eventual closing of the facility. The Cuban detainees present a major problem but we are hopeful we can soon proceed with plans to close the facility.

1982 Budget Summary

Although the Bureau's 1982 budget request essentially reflects continuation of many programs at or below current services levels, several important increases are included:

- . Resources to activate a Federal Detention Center in Tucson, Arizona.
- . Funds to expand 24 hour medical coverage.
- . Funds to enable the National Institute of Corrections to expand training and technical assistance programs for state and local corrections.
- . Funds to begin the first phase of converting the U.S. Penitentiary, Leavenworth, Kansas, into a modern correctional facility; and to undertake important energy conservation, and improvement projects at existing institutions.
- . Funds to cover Departmental support costs related to the increase in the number of on line SENTRY sites.

Salaries and Expenses

For Salaries and Expenses, we are requesting \$358,282,000 and 8,922 positions in 1982. This is an increase of \$16,328,000 and a decrease of 238 positions from the anticipated appropriation for 1981. An increase of \$21,117,000 is requested for uncontrollable items including annualization of positions and programs authorized in 1981; mandatory wage increases; and cost escalation.

We are requesting program increases of \$2,502,000 and 28 positions.

- . Activation of Federal Detention Center, Tucson, Arizona. The opening of this 200 bed facility will help to ameliorate the long standing critical detention problem in the Tucson area. Additional resources of \$1,906,000 and 28 positions are required, in conjunction with resources to be reprogrammed from the Florence, Arizona, Detention Center when it is closed, to open and operate the new center in January 1982.
- . Justice data center. An increase of \$500,000 is requested to support increased workload in the Justice Data Center which is related to the planned increase in the number of on-line SENTRY sites in 1982.
- . Medical Services. An increase of \$93,000 is requested to continue progress towards providing 24 hour medical coverage at Bureau institutions.

Offsetting these increases are program reductions of \$6,601,000 and 266 positions which reflect the Administration's goals to minimize inflation and ensure the nation's economic recovery. Although the reductions are significant, we believe they can be accomplished without jeopardizing the essential missions of the Bureau. These reductions have been applied in nearly every program area to minimize the overall impact. Following are explanations of the major decreases:

- . Farm operations. Reductions of \$432,000 and 69 positions reflect the Bureau's decision to close down its remaining farming operations.

This action has been considered in the past because of the high costs involved in conducting the program. Moreover, the program has little value in terms of meaningful work training because most of the inmates involved are from urban areas.

- Cancel Expansion of the Federal Prison Camp at Boron, California. The Congress had earlier approved 32 positions and \$1,032,000 to expand the capacity at Boron to 375. This expansion is not currently required because of the lower prisoner population.
- Reduce staffing of functional units. Unit management will be reduced by 30 positions and \$693,000 throughout the system. This reduction will be accomplished by collapsing some smaller units into larger functional units so that the total number is reduced. This will result in more economical use of unit staff without severely reducing effectiveness.
- Reduce education positions. The education program will be reduced by 36 positions and \$841,000. This will have little if any impact on the program because virtually all of these positions are vacant. Moreover, we find that the increased use of modern self instructional materials and aids requires less staff supervision.
- Reduce medical services positions. The medical services program will be reduced by 35 positions and \$528,000. This reduction does not impact on currently filled medical positions. The unamended 1982 budget request reflected the reprogramming of 25 positions to the medical program to increase staffing of the psychiatric unit at the Federal Correctional Institution, Butner, North Carolina, and to establish a geriatric unit at the U.S. Penitentiary, Leavenworth,

Kansas. These plans are being deferred. In addition, 10 physician assistant positions approved for the current fiscal year which have not been filled, will be abolished.

- Close Federal Community Treatment Centers. Reductions of 31 positions and \$1,634,000 will be accomplished by closing Federal CTC operations. This will not affect the level of inmate participation in this program because the Bureau maintains sufficient contract resources to provide for continuation, as well as expansion of the program, if required. The dollar reduction associated with the Federal CTC program will be offset by an increase in the contract CTC program.

National Institute of Corrections

The next item, Mr. Chairman, is the request for the National Institute of Corrections. We are requesting \$11,771,000 and 30 positions in 1982 to continue the work of this small but vital organization. No additional positions are requested.

Of the \$1,877,000 increase requested, \$984,000 is for uncontrollable items including mandatory increases in wages and services procured and cost escalation. The remaining \$893,000 will be used to increase training and technical assistance to help state and local agencies improve their correctional practices. Assistance is focused primarily on classification, security, resource management, overcrowding and compliance with standards and court orders.

Buildings and Facilities

For Buildings and Facilities, we are requesting \$13,731,000 and 25 positions for 1982. No new facilities construction projects are proposed. We are, however, requesting an increase of \$7,771,000 for modernization and repair of existing facilities. Included in this amount is \$696,000 to cover escalation in the costs of construction supplies and materials. The remaining \$7,075,000 is requested to undertake important energy conservation projects at six institutions (\$2,125,000); begin the conversion of the Leavenworth Penitentiary to a modern correctional facility (\$1,700,000); and undertake or complete essential utilities rehabilitation and improvements to existing structures (\$3,250,000). A decrease of 10 positions from the base program is reflected to more closely align positions with actual employment experience.

Federal Prison Industries, Inc.

For 1982 we are requesting 793 positions for Federal Prison Industries, Inc., a decrease of 115 positions from 1981. A decrease of 77 positions is related to the closing out of industrial programs at the Atlanta Penitentiary. An additional reduction of 50 positions is related to the Administration's program to reduce Federal employment.

Partially offsetting the reduction is a requested increase of 12 positions in 1982. Seven of these positions are requested to upgrade quality control at several institution factories to eliminate production deficiencies; two positions are requested to implement the Corporation's conversion from a manual to an automated management information system; and three positions are requested to

upgrade the marketing and design programs and strengthen the internal audit program.

Commissary Operations

The last item, Mr. Chairman, is a request for one additional Commissary position in 1982 which will be used at the new Federal Detention Center in Tucson, Arizona. This will increase the total number of positions authorized to 81.

This concludes my formal statement, Mr. Chairman. I would be pleased to answer any questions you or your colleagues may have.

Mr. CARLSON. Thank you very much, Mr. Chairman. I would like to, if I may, briefly summarize the statement and cover some of the highlights.

We are requesting a total of \$383,784,000 and 9,851 positions. This represents an increase of \$22 million but a decrease of 362 positions.

Unlike most of the State prison systems, the population in the Federal prisons has decreased by some 6,000 during the past three years. Population is currently 24,200, which includes 1,750 Cuban detainees, most of whom are now incarcerated in the U.S. penitentiary at Atlanta, Georgia. The reason for the reduction in the Federal prison population has essentially been a change in prosecution policy. As you recall, the Department of Justice has focused attention on white-collar crime, organized crime and public corruption during recent years, and there has been a subsequent decline in other cases prosecuted, such as armed bank robbery, which has been turned over to State and local governments for prosecution.

Mr. Chairman, we think, however, that the population decline has pretty well bottomed out. Criminal filings by U.S. attorneys across the country have been increasing during the past few months, and we have every reason to believe that if this trend continues, the Federal prison population will again show an increase over the next 12 to 18 months.

As you recall, Mr. Chairman, we had plans to close the antiquated U.S. penitentiary at McNeil Island, Washington, on October 1, 1980. That plan was proceeding on schedule until the U.S. District Court for the Western District of Washington issued a restraining order that required us to maintain the institution to house the Cuban detainees that were there at the time.

Those detainees' cases have now been reviewed by the Immigration Service. Detainees found to be deportable, have been moved to the Atlanta institution. As a result we are now entering into a contract with the State of Washington to maintain some of the State prisoners until July 1st under a reimbursable agreement. Effective July 1, 1981, the State prison will take over the facility, and our staff and resources will be removed from that island.

I should also comment on the 1,750 Cuban detainees that are now in Atlanta. As you will recall, we had planned to close that institution by September of 1984, as mandated by the Congress in the authorization act. That date may have to be delayed somewhat, depending on what happens with the Cuban detainees. You can appreciate, I am sure, that we have no way to project how long we will need to maintain these Cubans. Until we have information on what will eventually happen to them, we may have to keep that institution open beyond the September 1984 date.

PROGRAM INCREASES

In the budget request for salaries and expenses, we have asked for several program increases. First of all, we plan to open a Federal Detention Center in Tucson, Arizona, in January 1982. This 200-bed jail will replace an old jail which is now located at Florence, Arizona, some 70 miles north of Tucson. We are requesting funds to increase our support for the Justice Data Center to take care of our expanding automated data system. We are also asking

for increases in funds to improve medical services in our institutions.

PROGRAM REDUCTIONS

More than offsetting those program increases, Mr. Chairman, are a number of program reductions. First of all, as you may have noted, we plan to close all of our remaining farming operations during 1982. Also we have cancelled plans to expand the Federal Prison Camp at Boron, California. There will also be reductions in staff in other areas such as functional unit management, and education. Finally, Mr. Chairman, we plan to close the remaining Bureau of Prisons-operated Community Treatment Centers and rely exclusively on contract facilities across the country. Those reductions amount to \$6.6 million and 266 positions.

While these decreases are significant, I am convinced we can continue to operate all of our essential programs with minimal impact on existing operations. I think we have done a good job of distributing the decreases around the system in a way that will minimize the direct impact on inmate programs and inmate security.

OTHER CORRECTIONAL ACTIVITIES

For the National Institute of Corrections, we are requesting an increase of \$1.8 million but no additional positions. This very small but important organization provides assistance and support to state and local correctional agencies across the country, primarily in the areas of staff training and technical assistance.

For buildings and facilities we are asking a total of \$13.7 million. No additional funds are requested for new institutional construction. The largest single project included in the buildings and facilities request this year is \$1.7 million, for the first phase of renovation of the U.S. Penitentiary at Leavenworth, Kansas.

Finally, for Federal Prison Industries we are requesting a decrease of 115 positions. Seventy-seven of those positions are related to the eventual closing of the Atlanta Penitentiary, and 50 positions will come from other areas.

Mr. Chairman, that is a quick summary of the highlights of the budget submission. I will be pleased to answer any questions that you and Mr. Dwyer may have.

BUDGET JUSTIFICATIONS

Mr. HIGHTOWER. Thank you, Mr. Carlson.

The justifications in support of the original budget request for the prison system appear under a separate tab in the justification books. The justifications for the amended budget request also appears under separate tab in support of the amended budget. We will insert both sets of justifications at this point in the record.

[The justification materials follow:]

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Federal Prison System
Proposed Authorization Language

The Federal Prison System is requesting the following authorization language:

For the Federal Prison System including -

- (A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-federal institutions, and not to exceed \$100,000 for inmate legal services within the system;
- (B) purchase and hire of law enforcement and passenger motor vehicles;
- (C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;
- (D) assistance to State and local governments to improve their correctional systems;
- (E) purchase of firearms and ammunition and medals and other awards;
- (F) payment of rewards;
- (G) purchase and exchange of farm products and livestock;
- (H) construction of buildings at prison camps, and acquisition of land as authorized by section 4010 of title 18 of the United States Code;
- (I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;
- (J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 106 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;
- (K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with same authorized to be appropriated by this subparagraph, and
- (L) for carrying out the provisions of sections 4351 through 4353 of title 18, United States Code, relating to a National Institute of Corrections, to remain available until expended:

\$391,998,000

Federal Prison System		
Priority Ranking of Programs		
Ranking	Ranking of Base Programs	Ranking of Program Increases
	Program	Program
1	Food and Farm Service	1 Food and Farm Service
2	Institution Security	2 Institution Security
3	Medical Services	3 Institution Maintenance
4	Other Inmate Services (appropriated)	4 Other Inmate Services (Appropriated)
5	Institution Maintenance	5 Institution Administration
6	Institution Administration	6 Unit Management
7	Contract Community Treatment Centers	7 Staff Training
8	Contract Confinement in State and Local Institutions	8 Other Inmate Service (Non-appropriated)
9	Federal Community Treatment Centers and Other Community Programs	9 Leisure Program
10	Unit Management	10 Psychology Program
11	General and Occupational Education	11 Religious Program
12	Psychology Program	12 Medical Services
13	Religious Program	13 Modernization and Repair of Existing Facilities
14	Leisure Program	14 Medical Services
15	Executive Direction and Control	15 General and Occupational Education
16	Administrative Services	16 National Institute of Corrections
17	Other Inmate Services (Non-appropriated)	17 Administrative Services
18	Staff Training	
19	Federal Prison Industries, Inc.	
20	National Institute of Corrections	
21	Modernization and Repair of Existing Facilities	
22	New Construction	
23	Planning and Site Acquisition	

Program increases ranked 1 thru 11, 14, and 15 are for the activation of the Federal Detention Center, Tucson, Arizona.

Department of Justice
Federal Prison System
Salaries and Expenses
Estimates for Fiscal Year 1982
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Federal Prison SystemSalaries and expensesSummary StatementFiscal Year 1982

The Federal Prison System is requesting for Salaries and Expenses for 1982, a total of \$64,777,000, 9,119 permanent positions and 9,001 workyears. This request represents a decrease of 41 positions and 81 workyears and an increase of \$13,084,000 from the 1981 appropriation anticipated.

The mission of the Federal Prison System is to carry out the judgments of the courts for sentenced Federal offenders, provide detention services for persons serving short sentences, provide for humane incarceration of offenders and encourage offenders to participate in programs and activities that can impact positively on their capability for achieving a crime-free life. The Federal Prison System philosophy recognizes that incarceration, retribution, deterrence and rehabilitation are all valid aims of corrections. The Bureau maintains and operates nationwide, 42 penal institutions and 8 community treatment centers housing about 24,000 offenders.

The appropriation Salaries and Expenses contains five budget activities, which incorporate seventeen programs. The budget activities are: Inmate Care and Custody, Inmate Programs, Institution Administration and Maintenance, Community Corrections, and Program Direction.

Inmate Care and Custody

This activity includes the cost of all food, medical care, clothing, welfare services, release clothing, transportation and gratuities, housing unit furnishings, staff salaries, including salaries of Health Services Administration commissioned officers, and operational costs of functions directly related to providing for inmate custody and care. This activity also finances the costs of confining sentenced Federal offenders in contract State and local facilities. To carry out its mission in this activity, the Federal Prison System conducts the following programs:

The Food Service program is responsible for providing a nutritionally adequate, palatable diet for inmates in Federal prison facilities. The Food Service program is responsible for using available land resources to produce food products for use by Federal correctional institutions. A small decrease in this program is reflected for 1982 which results from an adjustment to the care budget to align resources more closely with inmate population, offset by increased resources requested to activate the Tucson, Arizona, Federal Detention Center.

The Medical Services program provides adequate, accessible health care for each Federal offender. A modest increase is requested in 1982 to work towards compliance with accreditation standards.

The Other Inmate Services (appropriated) program provides all inmates with adequate clean clothing, footwear, linens, toiletries, tobacco, and writing supplies during incarceration. It covers the costs, including staff salaries, of the clothing/laundry and commissary trust fund operations. A small increase is requested in this program to provide resources for activation of the Federal Detention Center, Tucson, Arizona.

The program for Contract Confinement in State and Local Institutions finances efforts for locating and contracting for space with appropriate non-Federal agencies to board certain types of Federal offenders, such as juveniles, offenders with short sentences and protection cases. The Bureau is responsible for ensuring that these facilities meet Bureau standards and that inmates housed in these facilities receive adequate services. A decrease of \$1.5 million is reflected in this program. Resources at the current level are sufficient to achieve program goals.

The Institution Security program consists of the correctional staff whose responsibility is to maintain security, control and supervision consistent with human dignity. A small increase is requested which is the net amount of increased resources for activating the Lucson Federal Detention Center and program decreases resulting from maintaining 1982 employment at the approximate level of on-board employment at the end of 1980.

The Unit Management program is a system of inmate management that decentralizes an institution by breaking the population down into groups of 30 to 150 offenders. It provides administration, case management services, counseling services, drug/alcohol and other needed services to the smaller groups. A program decrease in 1982 reflects the net of resource increases to activate the Lucson Detention Center and program decreases resulting from maintaining employment through 1982 at the approximate level of September 1980 on-board employment.

Inmate Programs

This activity finances the cost of academic, social and occupational education courses, institution programs for leisure time activities, and religious and psychology services. All programs in this activity, with the exception of the Religious program, reflect program decreases which are the result of maintaining employment through 1982 at the approximate level of September 1980 on-board employment. These decreases are partially offset by increases requested to activate the Lucson Federal Detention Center.

General and Occupational Education programs are divided into two basic areas. General Education Services provide programs designed to strengthen offenders' abilities to cope with social, economic and related free world problems. Occupational Educational Services provides programs for offenders to raise their academic and vocational skills to better enable them to obtain useful employment after release.

The Leisure Program provides offenders with opportunities to participate in constructive recreation and leisure-time activities and to improve their social skills; this contributes to a safer and more humane environment and assists inmates in attaining success after release to the community.

The Religious Program provides for religious and pastoral care to Federal inmates who represent approximately 150 religious denominations and affiliations. The basic constitutional right of religious freedom remains intact during confinement although the full practice thereof is curtailed because of the custodial demands of an institution and its separation from the free community. A small increase is requested to provide contract chaplaincy services at the new Lucson Federal Detention Center.

The Psychology Program provides psychological services to inmates who have mental health problems. In addition, psychology staff, by virtue of their training, assist management in consulting with and training other correctional staff.

Institution Administration and Maintenance

This activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

Institution Administration finances the costs of the institutions' executive staff (warden and staff), legal counsel, personnel and financial management, record office and safety programs. Increases are requested to provide staff and operational resources required to activate the Lucson Federal Detention Center.

The Staff Training program provides training to all staff in all spheres of corrections. It ensures that the latest policies, procedures and correctional techniques are communicated to staff. Staff training consists of programs in each institution, training at the three Bureau staff training centers, and external training through contracts. A program decrease is partially offset by a small increase to provide training resources at the new Lucson Detention Center. The program reduction is the result of maintaining employment through 1982 at the approximate level of on-board employment at the end of 1980.

The Institution Maintenance program finances the costs of repairs to buildings and facilities, purchase of utility systems and steam power plants, telecommunications and transportation services. Services are provided through the direction of the technical facilities management staff. A small increase is requested to establish a maintenance program at the new Tucson Federal Detention Center.

Community Corrections

This activity provides for the care of Federal offenders in Federal and contract community residential facilities. It also finances the activities of Bureau community programs officers.

The Federal Community Treatment Centers and Other Community Programs covers the operations of eight Federal Community Treatment Centers (CITCs) which provide residential services for institution releases, direct commitments from the courts and persons requiring greater community supervision than can be provided by U.S. Probation Officers. Community program officers are located in the regions and serve as an important link between the community and prison. No increases are requested; current level resources are sufficient to achieve the objectives of this program.

The Contract Community Treatment Centers (CITCs) provide the same services as do Federal CITCs. The Bureau contracts with State, local and private agencies to provide residential resources for institution releases, direct commitments and persons requiring closer supervision than can be provided by U.S. Probation Officers. A program decrease is reflected which adjusts the resources of this program to a level sufficient to achieve established objectives.

Program Direction

This activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services.

Executive Direction and Control provides the resources for overall policy and program development, implementation, direction and evaluation to assure the effective conduct of the Bureau's business. In addition, resources are included to provide the Bureau and Federal Prison Industries, Inc. with adequate legal counsel. No increases are requested for this program; current level resources are sufficient to meet program objectives.

The Administrative Services program finances the central and regional office functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management. An increase is requested in 1982 to provide support for expansion of the on-line information system.

Federal Prison System

Salaries and expenses

Justification of Proposed Language Changes

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underlined and deleted matter is enclosed in brackets.

Salaries and expenses

for expenses necessary for the administration, operation, and maintenance of federal penal and correctional institutions, including purchases not to exceed [twenty-seven of which all are for replacement only] and hire of law enforcement and passenger motor vehicles \$35,293,000]. Provided that these amounts may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of federal penal and correctional institutions.

thirty-one of which
5864,377.000

Explanation of Change:

No substantive changes proposed.

Federal Prison System

Salaries and expenses

Crosswalk of 1981 Charges
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Actions on 1981 Request			Reprogramming			1981 Supplementals Requested			1981 Appropriation Anticipated					
	Pos.	NY	Act.	Pos.	NY	Act.	Pos.	NY	Act.	Pos.	NY	Act.	Pos.	NY	Act.			
1. Inmate Care and Custody:																		
Food and farm services.....	457	437	\$29,657	-6	-5	-\$355	...	10	-\$100	...	3	\$128	...	\$243	451	445	\$29,573	
Medical services.....	610	591	26,861	-7	-6	-363	23	50	493	...	8	177	...	2,089	626	643	29,259	
Other inmate services.....	136	131	5,197	-2	-2	-121	-5	-5	105	...	2	42	...	117	129	126	5,340	
Contract confinement in state and local																		
Institutions.....	...	...	11,230	...	...	...	...	...	...	...	...	...	...	...	...	...	9,530
Institution security.....	...	...	3,736	-30	-26	-529	...	-19	240	...	68	2,257	...	5,646	3,706	3,635	81,185
Unit management.....	...	...	1,228	-10	-6	-361	...	-20	-495	...	1	313	...	1,944	1,158	1,157	32,261
Subtotal.....	...	...	6,167	-55	-45	-1,729	-2	-11	-245	...	82	2,917	...	8,339	6,110	6,066	187,168
2. Inmate Programs:																		
General and occupational education.....	393	379	13,036	-5	-4	-262	-24	-24	-305	-50	-923	364	301	11,546
Leisure program.....	116	110	3,803	-2	-1	-103	9	10	100	19	228	123	119	4,047
Religious program.....	63	64	2,345	-1	-1	-32	1	1	260	12	192	62	64	2,777
Psychology program.....	115	124	3,788	-1	-1	-28	-12	-12	-300	32	289	102	111	3,761
Subtotal.....	687	677	22,972	-9	-7	-425	-27	-25	-245	63	214	651	595	22,131
3. Institution Administration and Maintenance:																		
Institution administration..	1,013	1,017	36,894	-19	-19	-772	29	26	...	...	15	807	...	2,031	1,023	1,039	38,960
Staff training.....	69	66	4,823	-1	-1	-91	...	1	140	...	...	...	...	153	68	66	5,026
Institution maintenance.....	796	765	45,565	-9	-8	-275	-29	-2	-140	...	...	...	...	832	787	765	46,148
Subtotal.....	1,878	1,848	87,282	-29	-28	-1,038	-29	26	...	...	21	1,640	...	2,850	1,878	1,870	90,134
4. Community Corrections:																		
Federal community treatment centers and other community programs.....	139	197	5,863	-6	-2	380	133	195	6,243
Contract community treatment centers.....	25,277	-2	-2	380	133	195	25,277
Subtotal.....	139	197	31,140	-8	-2	380	133	195	31,520

Federal Prison System

Salaries and expenses

Comparison of 1981 Changes (cont.)
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation		1981 Supplemental Request		1981 Supplemental Pay		1981 Appropriation	
	Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY
5. Program Direction:										
Executive direction and control.....	218	228	88,599	...	...	...	...	...	215	214
Administrative services.....	168	201	10,921	...	...	...	...	...	173	202
Subtotal.....	386	429	19,520	...	...	...	...	...	388	416
Total.....	9,253	9,109	338,192	-93	-80	-3,792	...	...	103	4,600
									-50	12,293
									9,160	9,082
									351,293	

Explanation of Analysis of Changes from 1981 Appropriation Request

Congressional action

Congressional action provided for a reduction of \$3,792,000 and 93 positions primarily due to the cancellation of the proposed Federal Prison Camp, Modesto, California.

Reprogramming

In August 1980 the Federal Prison System concluded its comprehensive financial planning for 1981. This review revealed the need to accomplish certain reprogramming action within established thresholds from the decision unit and budget activity estimates for 1981 as adjusted for Congressional action.

Supplementals Requested

1. The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981).
2. The supplemental request for \$4,600,000 provides for the cost of housing approximately 1,700 Cuban refugees in the Federal Prison System, who are awaiting deportation or hearings by the Immigration and Naturalization Service to determine whether the refugees will remain in this country or be deported. The supplemental restores funds to operate the McNeil Island Penitentiary through December 1980. In addition, the request includes the restoration of funds for the United States Penitentiary at Atlanta, Georgia revising its scheduled phase-down. The remaining amounts requested will fund other costs systemwide directly a result of housing the Cubans.

Federal Prison System
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Inmate Care and Custody:																		
Food and farm services.....	462	444	\$26,734	462	449	\$26,835	451	445	\$29,573	451	443	\$31,615	451	443	\$31,574	...	...	-\$41
Medical services.....	549	538	24,595	572	580	24,650	626	643	29,299	626	651	30,880	641	663	31,743	...	...	863
Other inmate services.....	138	131	5,180	133	109	5,260	129	126	5,340	129	124	5,659	129	124	5,745	...	...	86
Contract confinement in State and local institutions.....	...	...	8,324	...	...	7,574	...	...	9,530	...	...	11,230	...	...	9,730	...	...	-1,500
Institution security.....	3,939	3,653	21,238	3,839	3,639	20,909	3,706	3,615	81,189	3,706	3,557	80,147	3,706	3,555	80,300	...	...	151
Unit management.....	1,234	1,180	20,610	1,214	1,165	20,500	1,198	1,157	37,261	1,198	1,159	37,946	1,181	1,143	37,670	...	...	-276
Subtotal.....	6,722	5,793	166,681	6,720	5,791	165,726	6,110	6,106	187,148	6,110	5,934	192,297	6,108	5,928	191,662	...	...	-635
Inmate Programs:																		
General and occupational education.....	268	350	9,612	344	276	9,374	364	301	11,546	364	352	13,213	330	322	12,504	...	...	-709
Leisure program.....	111	105	3,639	123	105	3,614	123	119	4,047	123	120	4,198	118	115	4,048	...	...	-150
Religious program.....	61	62	2,276	61	62	2,307	62	64	2,777	62	64	2,824	62	64	2,880	...	...	56
Psychology program.....	115	125	3,576	103	106	3,422	102	111	3,761	102	112	3,828	95	105	3,623	...	...	-205
Subtotal.....	555	642	19,103	628	569	18,717	651	595	22,131	651	688	24,063	605	606	21,055	...	...	-1,008
Institution Administration and Maintenance:																		
Institution administration.....	1,030	1,022	37,005	1,059	1,013	36,458	1,023	1,039	38,960	1,023	1,023	40,100	1,032	1,030	40,612	...	...	512
Staff training.....	68	66	4,651	68	69	4,370	68	66	5,026	68	67	5,497	64	63	5,419	...	...	-78
Institution maintenance.....	84	87	3,772	81	77	3,522	78	76	4,148	78	76	4,280	78	76	4,475	...	...	193
Subtotal.....	1,182	1,175	45,428	1,208	1,159	44,350	1,169	1,181	48,134	1,169	1,166	50,877	1,174	1,169	50,506	...	...	629
Community Corrections:																		
Federal community treatment centers and other community programs.....	139	197	5,727	133	192	5,597	133	195	6,243	133	195	6,454	133	195	6,454	...	...	...
Contract community treatment centers.....	...	...	20,877	...	...	19,794	...	...	25,277	...	...	27,534	...	...	27,004	...	...	-530
Subtotal.....	139	197	26,604	133	192	25,591	133	195	31,520	133	195	33,988	133	195	33,458	...	...	-530

Summary of Resources by Program (cont.)
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	Perm. Pos.	NY Amount	Perm. Pos.	Perm. Pos.	NY Amount	Perm. Pos.	Perm. Pos.	NY Amount	Perm. Pos.	Perm. Pos.	NY Amount
Program Direction:														
Executive direction and control.....	218	228	\$8,489	215	256	\$8,489	215	214	\$8,716	215	214	\$8,957	...	...
Administrative services.....	164	201	10,750	173	198	10,474	173	202	11,646	173	202	12,722	...	\$800
Subtotal.....	382	429	19,239	388	454	18,953	388	416	20,360	388	416	21,679	...	\$500
Total.....	9,313	9,080	317,400	9,313	8,993	313,547	9,160	9,082	351,293	9,119	9,001	364,377	-41	-1,244
Other Workyears:														
Holiday.....	147				167			159			159		...	...
Overtime.....	134				131			141			141		...	...
Total compensable workyears.....	2,361				9,291			9,344			9,301		-43	-43

Federal Prison System

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary

Activity: Inmate Care and Custody	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Food and Farm Services.....	451	445	\$29,573	451	443	\$31,615	451	443	\$31,574	...	...	-\$41
Medical Services.....	626	643	29,259	626	651	30,080	641	663	31,743	15	12	863
Other Inmate Services.....	129	126	5,340	129	124	5,659	129	124	5,745	...	...	86
Contract Confinement in State and local												
Institutions.....	3,706	3,635	9,130	3,706	3,557	11,230	3,706	3,555	9,730	...	...	-1,500
Institution Security.....	3,106	3,055	81,185	3,106	3,057	40,167	3,106	3,055	40,203	...	...	336
Unit Management.....	1,198	1,157	33,182	1,198	1,159	37,469	1,198	1,143	37,470	...	...	-233
Total.....	6,110	6,102	107,148	6,110	5,934	192,497	6,108	5,928	191,602	-2	-2	-895

This budget activity includes the costs of all food, medical care, clothing, linens, welfare services, release clothing, transportation and gratuities, housing unit furnishings, staff salaries including salaries of Health Services Administration commissioned officers, and operational costs of functions directly related to providing for inmate custody and care. Also included are the costs of confining sentenced federal offenders in contract State and local facilities.

Activity: Inmate Care and Custody	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Food and Farm Services.....	451	445	\$29,573	451	443	\$31,615	451	443	\$31,574	...	...	-\$41

Long-Range Goal: To provide a nutritional diet for all inmates confined in Federal facilities throughout the United States.

Major Objectives:

Continue providing daily allowances from the fifteen major food categories including beef, pork, and other meats; fats; starches; milk, cheese, eggs, soups, beverages; potatoes; other roots; leafy green and yellow vegetables; tomatoes; dried beans; peanuts or nuts; fruit, canned and dried fruits; citrus; and adjuncts.

Continue providing and in some cases expand the provision of, medical and religious diets, short order lines (soup and sandwich), low calorie meals, and other menus which address special needs.

Keep abreast of technical advancements in industry by attendance at National Restaurant Association Trade Seminars, Federal Prison System workshops, etc.

Continue to operate farms to supplement food purchased from local sources.

fully staff all satellite food operations with professional cook foremen.

Professionally analyze food service programs for nutritional adequacy.

Basic Program Description: Institution food menus are prepared on a 35-day cycle, balanced for variety and adequate nutrition. The basis for the menu is the "standard ration" which consists of appropriate levels of the fifteen major food categories. The "standard ration" provides each person daily with a ration of from 5.03 to 5.99 pounds of food. Special diets are included in the cycle menu. A registered dietitian located at the Federal Correctional Institution, Lexington, Kentucky, is responsible for the review of special diet programs throughout the system.

Meal preparation is accomplished primarily by inmate workers under the supervision of trained civilian staff. Nearly 10 percent of the total inmate population (2,100 inmates) work in the food service program. Inmates and staff begin preparation of the morning meal at approximately 4 A.M. and finish the clean-up of the evening meal by about 7 P.M.

Food service administrators keep abreast of new ideas and technology in the food industry by attending National Restaurant Association Seminars and Bureau food service workshops. The Bureau is introducing "shortorder" service and "low calorie" counters at approximately 15 institutions. The service will be expanded to other institutions where and if appropriate.

The central office food administrator works closely with other agencies and organizations, both in and outside Government. The United States Department of Agriculture provides the Federal Prison System with certain surplus foods from the Commodity Credit Corporation. Standards of the Food and Drug Administration serve to keep the Bureau in compliance with food service sanitation and safety codes. The General Services Administration aids in the purchase of major production equipment. The military branches have shared many common food service goals. Organizations such as the National Restaurant Association, National Security & Industrial Association, American Correctional Food Service Association, National Association of Food Service and Farm Service Supervisors, and many more, play an important role in providing assistance to food managers of the Bureau.

Farm operations are conducted to utilize available land resources through the efficient use of equipment, supplies and manpower. Bureau farms produce beef, pork, milk, vegetables and eggs for consumption within the producing institution and for transportation to nearby institutions to offset their need to purchase products from the outside.

Accomplishments and Workload: Actual and estimated accomplishments of the Food and Farm Services Program are presented in the following table:

Item	Estimates		
	1979	1980	1982
Meals provided.....	74,463	69,030	71,000
Pounds of food served per person per day..	5.75	5.75	5.75
Number of farms operated.....	9	8	8
Value of farm products produced.....	\$4,375,000	\$4,400,000	\$4,500,000

Decrease in meals provided from 1979 to 1980, is directly related to the decrease in inmate population.

Program Changes: The decrease of \$41,000 reflected for 1982 is the net change of an increase of \$86,000 requested to establish a food service program at the Federal Detention Center, Tucson, Arizona, and a program decrease of \$121,000 which adjusts the inmate care budget to current population levels. More detailed estimates for the activation of the Tucson, Federal Detention Center are contained in the section "Justification of Multi-Activity Program Increases".

1981 Appropriation Anticipated	1982 Base			1982 Estimate			Increase/Decrease	
	Per- Pos.	NY Amount	Per- Pos.	NY Amount	Per- Pos.	NY Amount	Per- Pos.	NY Amount
Medical Services.....	626	643	\$29,259	626	651	\$30,880	641	663
						\$31,743	15	12
								\$863

Long-Range Goal: Provide offenders incarcerated in Federal Prison System facilities with adequate, comprehensive, accessible, and high quality health care services.

Major Objectives:

Continue to provide current level health care services in all institutions, which include promotion of good health practices, prevention of diseases and disability, inpatient and outpatient treatment, medical rehabilitation services and health education.

Provide medical personnel on duty 24 hours per day in the 12 institutions which currently lack 24 hour coverage.

Provide nursing, clinical laboratory, x-ray, pharmacy, and medical records coverage to replace inmate workers at three institutions by the end of FY 1984.

Base Program Description: The Bureau's medical facilities are of four categories: regional medical referral center (seven facilities); community-type hospital (seven facilities); infirmaries (nineteen facilities); and outpatient services (eight facilities).

Within 14 days of admission, all inmates receive a complete physical examination including a chest x-ray and, if indicated, a psychiatric evaluation. The physical examination is sufficiently detailed to permit a reasonably accurate physical, dental, and mental appraisal of the inmate.

Medical services are delivered at the institution level by a variety of professional and para professional health care personnel including physicians, physician assistants, medical technical assistants, nurses and dental staff. The primary health care provider is the physician assistant. Physician assistants conduct sick call five days a week which includes examination of patient complaints, ordering and assessment of diagnostic tests and implementation of a medical treatment plan. Inmates who are in segregation units are seen once during each 24 hour period by a physician assistant. Inmates with complaints during other than normal working hours or on weekends and holidays are seen by a physician assistant on duty or on call. If an inmate has a health condition which is beyond the scope of a physician assistant's professional capability, the inmate is referred to a physician at the institution, a contract physician or hospital in the community or one of the Bureau's medical referral centers.

The Medical Center for Federal Prisoners at Springfield, Missouri is the major medical referral center in the Federal Prison System. Four additional regional medical referral centers within the RUP health care delivery system are:

1. FCI, Butner - referrals are mainly male psychiatric cases from the Northeast and Southeast Regions.
2. FCI, Lexington - referrals are nationwide female psychiatric cases, male medical cases from the Northeast and Southeast Regions and female cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) cases are referred to Lexington on a nationwide basis.
3. FCI, Fort Worth - referrals of both male and female medical cases are made from the North Central and South Central Regions. Also selected chronic (disabled, handicapped, geriatric) care cases are referred on a nationwide basis.
4. FCI, Terminal Island - referrals of both male and female medical, surgical, and psychiatric (for male inmates) cases are made primarily from the Western Region.

The U.S. Public Health Service (USPHS) provides personnel in support of the Bureau medical program. Agreements also provide for the utilization of USPHS medical facilities on a referral basis. The position and workyear estimates for medical services provided by the Public Health Service under an allocation account are not reflected in the program resource summary. For 1981 and 1982, 112 positions and 97 workyears are budgeted for the Public Health Service. Community hospitals through contract arrangements provide medical, surgical, and rehabilitative services to inmates that are not available in Bureau hospitals. In 1979, the U.S. Marshals Service had contracted with local private security agencies to provide guard service for Bureau prisoners requiring outside hospitalization. Many of these private security agencies refused to provide this service for which they contracted because they are not permitted to be armed while in the hospital. The USMS has not had adequate staff available to provide this service when needed. As a result, Wardens have been finding it increasingly necessary to use senior correctional officer staff for this purpose on an overtime basis.

Accomplishments and Workload: Actual and estimated accomplishments for the Medical Service program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Outpatient visits.....	748,727	763,576	760,500
Inpatient admissions.....	2,145	5,786	5,700
Complete physical exams.....	48,396	51,589	50,500
Vision refractions.....	9,274	8,153	8,100
Laboratory tests.....	775,790	1,009,682	900,000
Surgical procedures.....	5,108	4,478	4,500
X-rays.....	741,245	65,612	65,600
Consultant visits (institution and community)	64,561	65,202	65,400
Dental visits.....	128,022	125,188	125,200
Dental exams.....	25,760	25,160	25,200
Dental procedures.....	83,466	83,239	83,300

The hospital at FCI, Terminal Island, California has been upgraded and established as a medical referral center for the western part of the country.

The Bureau of Prisons has increased 24-hour medical coverage from 17 to 23 of the 35 existing institutions requiring 24-hour coverage.

A 28 patient female psychiatric inpatient unit with appropriate staffing and treatment programs was established and is now operational at the FCI, Lexington, Kentucky (FY-80), although facility renovations have not been completed.

Program Changes: Increases of 4 positions and \$229,000 are requested for 1982 to establish a medical services program at the new Federal Detention Center, Tucson, Arizona, which will be activated in January, 1982. More detailed information for the activation of this detention center is contained in the section "Justification of Multi-Activity Increases". In addition, 11 positions and \$634,000 are requested to expand 24 hour medical coverage to six additional institutions to achieve further progress towards compliance with accreditation standards. Included in this amount is \$433,000 for contracts with community medical agencies to provide 24 hour medical coverage to those facilities which have no significant medical service program.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Para. Pos.	MY	Amount	Para. Pos.	MY	Amount	Para. Pos.	MY	Amount		
Other Inmate Services.....	129	126	\$5,340	129	124	\$5,659	129	124	\$5,745	...	\$86

Long-Range Goal: To provide all inmates with clean clothing, footwear, linens, toiletries, tobacco and writing supplies during incarceration.

Major Objectives:

Acquire an adequate supply of clothing, footwear, linens, toiletries, tobacco and stationery items for distribution to the inmate population.

Operate and maintain laundry operations.

Operate and maintain clothing issue/return operations.

Maintain the Inmate Trust Fund.

Base Program Description: Clothing, footwear, toiletries, linens and writing supplies are issued to all inmates. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate labor under staff supervision.

The Bureau maintains an Inmate Trust Fund account for all monies on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries or performance pay, are deposited directly to each inmate's account. Inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services or pay for supplies to participate in programs such as college courses or leisure activities.

The Bureau reviews surplus supplies available from GSA, the military services and other Government agencies for possible use in this program. The use of surplus supplies in the past has helped to offset the costs of this program.

Accomplishments and Workload: Actual and estimated accomplishments of the Other Inmate Services program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Weekly Molding Sets Exchanged.....	72,138	68,085	69,100	67,000
Personal Hygiene Linen Sets (towels and washclothes)				
Issued.....	33,865	33,390	33,390	33,000
Exchanged.....	180,370	178,500	178,500	174,000
Personal Clothing				
Sets Issued.....	67,445	66,780	66,780	66,390
Weekly Exchanges.....	324,270	314,670	314,670	300,500

Program Disposal: An increase of \$45,000 is requested in 1982 to provide supplies and equipment for laundry and clothing exchange services and operate an Inmate Trust Fund at the new Federal Detention Center, Tucson, Arizona, which will be activated in January 1982. More detailed information on the activation of this facility is found in the section "Justification of Multi-Activity Program Increases".

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Para.	NY	Amount	Para.	NY	Amount	Para.	NY	Amount	Para.	NY
Contract Confinement in State and Local Institutions.....	\$9,530	...	...	\$11,230	...	...	\$9,730	...	...
											-\$1,500

Long-Range Goal: To provide, through contract, for high quality and diversified state and local detention facilities to house offenders committed under the provisions of the Juvenile Justice Act; offenders whose lives might be endangered in Federal institutions; offenders with special needs; and inmates serving short sentences.

Major Objectives:

Place all juveniles in appropriate non-federal juvenile facilities.

Place juveniles near their homes and in community-based facilities whenever possible.

House those offenders who are in danger in Federal institutions in state correctional institutions or other facilities.

House offenders with sentences of 60 days or less in local detention facilities.

Place offenders in contract facilities whose special needs cannot be met in Bureau facilities.

Base Program Description: Community Programs Officers (CPO's) are stationed in large cities throughout the United States to develop and monitor contracts with non-federal agencies to accomplish the above objectives. The CPO's work with those agencies and with the Federal offenders confined by them and they regularly survey their assigned territories to locate additional contract space to meet offender housing needs.

The Bureau currently contracts with 415 local detention units (jails); 100 adult boarding facilities which are primarily adult state correctional institutions; and 83 juvenile facilities which include ranches, group homes, foster homes, state juvenile facilities, and private facilities for juveniles.

The Federal law permits a juvenile to be held until his 21st birthday and beyond in some instances. The large majority of state laws, however, declare a person an adult after he reaches his 18th birthday. Approximately 75 percent of our juveniles are age 17 and over and 36 percent are age 18 and over. Moreover, approximately 58 percent have committed violent or potentially violent offenses requiring more secure placement than that offered in a community-based facility.

Because of these factors, we have been unable to place many juveniles in the area of their residence which the law states must be done whenever possible. Considering the barriers to placement, the Bureau is fortunate in having been able to place juveniles in non-federal juvenile facilities. Approximately 22 percent are confined in their state of residence which enhances the opportunity to use available community resources and increases opportunities for visits from relatives and friends.

We have used adult state correctional institutions to house both adult Federal prisoners who need protection and those whose program needs are better met in state institutions. We believe this action has prevented some deaths and assaults and has allowed these inmates to live in the general population and participate in programs which meet their particular needs rather than being locked in a segregation unit.

Finally, this program allows short term offenders to remain in their home community, near families and friends. It also saves the Government transportation expenses to and from a Federal institution.

Accomplishments and Workload: Actual and estimated accomplishments for the Contract Confinement in State and Local Institutions program are presented in the following table:

Item	Estimated	
	1979	1980
Average daily population:		
Juveniles.....	140	130
Adult Offenders.....	110	99
Short Termers.....	700	687
Number of Federal inmates admitted to non-federal facilities:		
Juveniles.....	100	75
Adult Offenders.....	90	83
Short Termers.....	4,500	4,113

In 1977, all juveniles were removed from Federal institutions and placed in private, state and local juvenile facilities. Since then, with only minor exceptions, the Bureau has been able to place all juveniles in non-federal juvenile facilities. Approximately 32 percent of the juveniles are placed in community-based facilities.

Program Changes: The request for 1982 reflects a program decrease of \$1,500,000. This adjustment aligns program resources with current contract population which has decreased as has the overall Federal offender population.

	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Institution Security.....	3,706	3,635	\$81,185	3,706	3,557	\$80,167	3,706	\$80,200
							...	-2
								\$33

Long-Range Goal: Provide institution security, inmate control, and inmate supervision to ensure the maximum protection for the community, staff, and inmates consistent with program requirements in all Bureau facilities.

Major Objectives: Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Meet correctional standards in all institutions.

Staff each new facility so that a trained correctional force is available for the facility opening.

Basic Program Description: All institutions are assigned a security classification based on the physical restraint of each facility. There are six security level classifications, number one being the least restrictive and number six the most restrictive. Offenders are assigned a custody status which relates to the degree of supervision needed, and from a security and custody standpoint, are assigned to an institution. The result is a grouping of offenders with similar needs in an institution.

Correctional officers are assigned to "man" security posts which are established on the basis, primarily, of structural/visual considerations. Supervision of inmates is provided in living units, visiting areas, dining halls, recreation areas, or any area where inmates may be located or have access to. The two basic categories of security are perimeter security and internal security. Perimeter security consists of a walled or fenced perimeter supplemented by armed gun towers, razor tape concertina wire strung between a double fence, high mast lighting to illuminate the perimeter, perimeter patrols and highly technical equipment such as alarm systems and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control.

For all practical purposes, all other security measures, processes and activities can be called internal security, which encompasses and terminates in receiving and discharge (R & D). All inmates are received into and discharged from the R & D units. Included in the R & D process are both metal detection and physical search procedures and intake screening to insure the safety of newly committed offenders within the general population. Medical screening is also accomplished to protect the general population from diseases and health hazards.

To keep track of inmates, regularly scheduled counts are conducted several times a day in all institutions. Work supervisors and program personnel are held strictly accountable for all inmates they have under supervision. Violations of institution regulations are dealt with through the inmate disciplinary process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Disciplinary Committee, which usually consists of a unit manager, case manager and a correctional counselor. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Institution Disciplinary Committee for hearing and decision. There is an administrative ready process for appealing decisions of the Committee.

Administrative Detention/Disciplinary segregation are programs for separation from the general population of offenders who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. Disciplinary segregation provides segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charge against him.

Much staff time is consumed in the monitoring and surveillance of identified members of prison "gangs" such as the Mexican Mafia, Aryan Brotherhood, Nuestra Familia, Black Guerilla Family and Texas Syndicate, organizations whose constitutions advocate violence, drug trafficking, strong-arm, sexual activities and theft. If these groups can be controlled, then they will be unable to realize their goals within the institution.

Assaults, escapes and other prohibited acts are normally a violation of Federal statutes requiring FBI investigation and referral to the U.S. Attorney's Office for a determination whether or not to prosecute. Prosecution of these incidents enhance staff, inmate, and public safety. Successful prosecution frequently brings on the initial response and handling of the crime scene and subsequent procedures by Institution staff. This requires a highly trained, educated, and professional team of correctional officers.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Security program are presented in the following table:

Item	1979	1980	Estimates	
			1981	1982
Inmate on Inmate Assaults.....	377	387	340	340
Inmate on Staff Assaults.....	271	305	240	240
Homicides.....	15	12*	10	10
Suicides.....	4	10	5	5
Escapes:				
Institution Escapes.....	537	579	400	400
Federal CIC Escapes.....	177	144	100	100
Contract CIC Escapes.....	943	705	700	700

* Includes one staff person

The Bureau in conjunction with the United States Marshals Service has implemented a nationwide prisoner airlift transportation system which is supplemented by a bus system to facilitate prisoner movement. We are now able to complete a cost to cost transfer in as little as two days. The Bureau and the Marshals Service share equally in payment of contracted air costs. The Marshals Service provides the staff for flight coverage. For medical flights, the Bureau furnishes appropriate staff, usually a physician assistant.

The Bureau has made gains in hiring female correctional officers. Currently, there are female correctional officers in all level 1-4 institutions.

Over the past few years the Bureau has established or expanded jail units for pre-trial detainees at several institutions including the Memphis, Miami, and Talladega FCI's and the MCC's at Chicago, New York and San Diego.

Program Changes: An increase of \$33,000 is requested in 1982. This is the net result of a requested increase of 7 positions and \$189,000 for establishing correctional services at the new Tucson Federal Detention Center and a program decrease of 7 positions and \$156,000. This reduction is the result of maintaining employment through 1982 at the approximate level of on board employment at the end of 1980. The reduction permits absorption of most of the costs for establishing correctional programs at the Tucson Detention Center, to be activated in January 1982. Additional information regarding the activation of the Tucson FDC is found in the section "Justification of Multi-Activity Program Increases".

1981 Appropriation Anticipated	1982 Base			1982 Estimate			Increase/Decrease	
	Perma. Pos.	MY Amount	Perma. Pos.	MY Amount	Perma. Pos.	MY Amount	Perma. Pos.	MY Amount
Unit Management.....		1,198 1,157	1,198 1,159	1,181 1,143		\$32,670	-17	-\$276

Long-Range Goals: To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling, social education and vocational training opportunities and programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community.

Major Objectives:

Subdivide the inmate population in all major institutions into small well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.

Increase the frequency of contacts and improve relations between staff and inmates resulting in: a) better communication and understanding between individuals; b) more individualized classification and program planning; c) more valuable program reviews and program adjustments; d) better observation of inmates, enabling early detection of problems before they reach critical proportions; e) development of common goals which encourage unit cohesiveness; f) a more positive living and work atmosphere for staff and inmates; and g) more efficient accountability and control of inmates.

Ensure that decisions regarding inmates are made by staff most closely associated with these inmates, increasing the quality and swiftness of the decisions.

Provide program flexibility so that programs promote behavioral changes.

Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for inmates who have the need and motivation to participate.

Base Program Description: The purpose of the unit management program is to improve inmate control and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi-disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment. The program is carried out through the proper classification of inmates and development of inmate programs on the basis of need and motivation.

All unit staff members are involved in inmate decisions or recommendations including furlough recommendations; parole recommendations; custody decisions; disciplinary committee actions; and inmate program participation.

A typical unit staff consists of a unit manager, case manager, correctional counselor, correctional officer, unit secretary, educational representative and a psychologist. Together, these individuals plan, develop, implement and evaluate the program of activities, i.e., education, vocational training, counseling, for all the offenders in their unit.

The Bureau also has established Drug Abuse Units to deal with the special problems of inmates who have a dependency on drugs and/or alcohol.

Drug Abuse Units have basically the same staff as the other units except that Drug Abuse Units have a full-time psychologist assigned to the unit because of the therapeutic requirement of the program. The primary objective of all Drug Abuse Programs is to increase an inmate's level of responsibility for his behavior. All programs have three phases. The first phase familiarizes the inmates with the various modalities of counseling activities available in the program. All inmates are also provided instruction on the effects of drugs on the body.

The second phase is actual participation of the inmate in the therapeutic program deemed most appropriate to his particular drug problem. The program may include individual or group counseling and participation in some education or vocational training program. In addition to fulfilling the responsibilities in the drug program, each participant is required to perform acceptably on an institution job assignment.

The third, or "pre-release phase" consists of training and orientation of the inmate for his eventual release. Instruction is provided for job placement, financial responsibility and community drug abuse services and programs. The inmate is also given guidance and instruction regarding his parole responsibilities after release. Approximately 18 to 24 months are required to complete the three phases of the program.

Accomplishments and Workload: Actual and estimated accomplishments of the Unit Management program are presented in the following table:

Item	1979	1980	Estimate	
			1981	1982
Number of Units.....	178	190	192	192
Counseling Hours.....	583,067	571,765	572,000	572,000
Number of Inmates Counseled.....	14,873	14,447	14,500	14,500
Number of Inmates Involved in DAP Program.....	2,955	2,895	2,900	2,900
Initial Classification Studies.....	16,941	15,376	15,400	15,400
Parole Hearing Reports.....	21,400	23,920	23,950	23,980
Study & Observation Reports.....	866	703	710	740
Transfer Reports.....	13,604	7,234	7,240	7,240
CIC Referral Reports.....	9,107	9,240	9,200	9,200
Furloughs Processed.....	22,980	20,103	20,150	20,150

The Federal Prison System has virtually met its goal of establishing functional unit management in all of its major facilities. Only at the Federal Prison Camp, Maxwell AFB Base, Alabama has unit management not yet been implemented. There are a total of 190 functional units in Bureau institutions. Drug abuse programs have also been implemented in all major institutions. There are now 34 drug abuse programs with at least one unit at each major institution.

Program Disappears: For 1982, a requested increase of 3 positions and \$260,000 to establish functional units at the new Tucson, Arizona Federal Detention Center is sought. The effect of the program decrease of 20 positions and \$534,000, this reduction is the result of maintaining employment through 1982 at the present level of on-board employment at the end of 1980. More detailed information regarding the activities of the Tucson Federal Detention Center in January 1982 is found in the section "Justification of Multi-Activity Program Increases".

Activity: Inmate Programs

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
General and Occupational Education.....	364	301	\$11,546	364	352	\$13,213	330	322	\$12,504	-34	-30
Leisure Program.....	123	119	4,047	123	120	4,198	118	115	4,048	-5	-5
Religious Program.....	62	64	2,777	62	64	2,824	62	64	2,880	..	..
Psychology Program.....	102	111	2,761	102	112	3,028	95	105	3,623	-7	-205
Total.....	651	595	22,131	651	648	24,063	605	606	23,055	-46	-1,008

This budget activity finances the cost of academic, social and occupational education courses, institution programs for leisure time activities, and religious and psychology services.

1981 Appropriation

	1982 Base			1982 Estimate			Increase/Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
General and Occupational Education.....	364	301	\$11,546	364	352	\$13,213	-34	-30

Long-Range Goal: Provide general and occupational education opportunities to all inmates who wish to participate; gain accreditation of all educational programs by approved accreditation bodies and the American Correctional Association (ACA); and complete the transfer of all vocational training programs from Federal Prison Industries, Inc., to this program.

Major Objectives:

Evaluate program offerings annually to ensure that the education needs of inmates are being met and that program innovations and new methods of delivering educational services, such as computer assisted instruction terminals, are examined for possible application.

Employ uniform curriculum standards by 1984.

Develop a strategy for education program certification or accreditation with the North Central Association of Colleges and Schools by 1982.

Provide resources for the conduct of education programs at the Federal Detention Center, Tucson, Arizona.

Expand institutional library services to meet ACA standards by establishing inter-library loan agreements; by utilizing mobile or rotating library collections; and/or by directly providing adequate library services.

Basic Program Description: General education services provide programs designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are five major components of the general education program:

1. Adult Basic Education (ABE). This program is designed for the 12 percent of the inmate population with less than a sixth grade education. English as a Second Language is also offered in institutions where a significant number of inmates speak Spanish as their primary language.
2. Adult Secondary Education (ASE). The ASE program is for the nearly 60 percent of Federal offenders who lack a high school diploma and consists of high school equivalency courses and G.E.D. (general equivalency diploma) examinations.

3. Adult Continuing Education (ACE). Courses are available primarily through contract and include child care/parenting, driver education, and personal hygiene.
4. Postsecondary Education (PSE). These courses are for inmates who have successfully completed high school and want to further their education.
5. Social Education. These programs help inmates develop a positive self-image and adequate social skills.

Occupational Education Services provide programs to enhance the employability of offenders upon release, particularly those who either lack a solid employment history or a salable skill. The majority of Federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose, through instruction and work experiences, career orientation vocation, acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work. Approximately 20,000 Federal offenders will have the opportunity to participate in these training activities through the following four major components of the occupational education program:

1. Exploratory Training. Involves study of industries and occupations for a general knowledge of the world of work rather than specific skill development.
2. Local Training. Provides instruction and training in specific entry-level or advanced skills.
3. On-the-Job Training. Offers organized instruction and training under actual working conditions in institution service and maintenance shops and Federal Prison Industries' factories.
4. Apprentice Training. Provides journeyman level instruction and training through structured apprenticeship programs approved at the state and national levels by the Bureau of Apprenticeship and Training, U.S. Department of Labor.

Staff are trained to deliver educational services in more effective and efficient ways through the use of new instructional materials and techniques, e.g., multi-media AEC materials developed by the Life/Computer Assisted Instruction, teaching machines and other electronic equipment. Education programs utilize the use of individual learning procedures which are successful with many offenders who have failed in traditional classroom settings. In-house general education and occupational training programs are strengthened through services provided by universities, two and four year colleges, and vocational training schools.

Approved apprenticeship programs are developed and established through cooperative relationships between education staff and the Bureau of Apprenticeship and Training (BAT) through the BAT's local, regional, and national offices. The Bureau requests and receives guidance and assistance of its education programs from State Departments of Education, the American Council on Education, community and junior colleges, the U.S. Office of Education, and national and local education agencies. These agencies also assist with the triennial evaluations of education programs required by Bureau policies and the American Correctional Association's standards for adult correctional institutions.

Internal evaluations by regional education administrators are conducted annually with at least one annual follow-up visit for each institution.

Accomplishments and Workload: Actual and estimated accomplishments for the General and Occupational Education Program are presented in the following table:

Item	1979	1980	Estimated	
			1981	1982
Enrollments:				
Adult basic education.....	5,477	4,798	5,000	5,100
Adult secondary education.....	7,913	6,273	6,400	6,600
Social education.....	16,761	16,125	16,200	16,100
Post secondary education.....	17,344	16,860	17,000	17,200
Occupational education.....	16,532	13,747	13,900	14,000
Completions:				
Adult basic education.....	2,117	1,978	2,100	2,200
Adult secondary education.....	3,345	2,713	2,900	3,100
Social education.....	11,272	12,156	12,200	12,300
Post secondary education.....	11,616	10,248	10,400	10,600
Occupational education.....	8,833	6,912	7,100	7,200

The overall downturn in participation statistics is attributable, largely, to the decreased inmate population.

Apprenticeship programs have expanded to 173 training units in 64 different trade classifications. In 1980, 940 inmates enrolled in apprenticeship programs and 468 completed the institution-scheduled portion of the program. As a result of the combined efforts of representatives from the national offices of the Women's Bureau, the Bureau of Apprenticeship and Training and the Bureau of Prisons, the four institutions which house women now have formal apprenticeship programs.

FCI Milan is the first Federal prison school to be fully accredited by the North Central Association of Colleges and Schools. Preliminary reports indicate that FCI's Alderson and Sandstone will also be accredited by the North Central Association.

Program Changes: An increase of 2 positions and \$132,000 requested for 1982 to establish education programs at the new Tucson, Arizona Federal Detention Center is more than offset by program decreases of 36 positions and \$841,000. The reductions are the result of maintaining employment through 1982 at the approximate level of on-board employment at the end of 1980. More detailed information regarding the activation of the Tucson Federal Detention Center in January, 1982, is contained in the section "Justification of Multi-Activity Program Increases".

1981 Appropriation	1982 Base		1982 Estimate		Increase/Decrease						
	Perf. Pos.	MY Amount	Perf. Pos.	MY Amount	MY Pos.	MY Amount					
Leisure Program.....	123	119	\$4,047	123	120	\$4,198	115	\$4,048	-5	-5	-\$150

Long-Range Goal: To provide federal offenders a full range of recreation and leisure activities staffed by professional recreation personnel.

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Major Objectives:

Continue to regularly evaluate the inmate population needs for recreation and leisure activities in each institution so that programs are tailored for those receiving the services.

Place Artists-In-Residence and visiting room programs in all institutions and camps.

Develop and implement in-service training for leisure activity staff to enhance professional skills.

Basic Program Description: The constructive use of leisure time by inmates helps to minimize tensions, improve the inmates' social skills and provides for a safe, more humane environment. A wide variety of individual and group leisure activities are available ranging from athletics, e.g., swimming, weightlifting, basketball, football, volleyball, to music, drama and arts and crafts. Opportunities are available for inmates to join social and cultural organizations, and many institutions have established chess and bridge clubs. Movies are scheduled frequently as are performances by guest artists. Inmate rock and country bands and soul groups perform concerts for the institution population. Many institutions also present annual art shows displaying the work of inmate artists.

Leisure programs staff coordinate activities with community athletic teams, inmate organizations such as Jaycees, Toastmasters, MADD, and community artists and performers willing to provide shows for the inmate population. Continuing sources of new ideas for leisure programs are the inmate surveys and student interns, most of whom are pursuing university degrees in recreation. Through combined funds of the National Endowment for the Arts and the Bureau of Prisons, artists are retained on a contract basis to provide professional instruction in the visual or performing arts.

Accomplishments and Workload: Actual and estimated accomplishments of the Leisure Program are presented in the following table:

Item	1979		1980		Estimated 1982	
	Perf. Pos.	NY Amount	Perf. Pos.	NY Amount	Perf. Pos.	NY Amount
Leisure activities, enrollments.....		14,349	16,142	16,300		
Leisure activities, completions.....		9,506	10,175	10,500		

The above table reflects significantly increased participation in leisure activities despite overall population decreases. This is attributed to the enthusiasm generated by staff and inmates and the self-fulfillment that results from participation in creative and physical endeavor. Institution staff, increasingly, are participating in sports and other activities with inmates. This has helped to improve staff/inmate communications and relationships.

Program Changes: Increases of one position and \$75,000 requested to activate the Tucson Federal Detention Center are more than offset by program decreases of 6 positions and \$225,000. These reductions are the result of maintaining employment through 1982 at the approximate level of on-board employment at the end of 1980. More detailed resource information regarding the January 1982 activation of the Tucson Federal Detention Center is found in the section "Justification of Multi-Activity Program Increases".

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Religious Program.....	62	64	\$2,777	62	64	\$2,824	62	64	\$2,880	...	...
Long-Range Goal: Extend to all prisoners the greatest amount of freedom and opportunity for pursuing individual religious beliefs and practices within the constraints of confinement.											\$56

Major Objectives:

Provide seven day pastoral care in all facilities, ensuring all prisoners equitable opportunities for pursuing their religious beliefs and practices within the constraints of confinement.

Provide professionally trained staff chaplaincy personnel in all correctional facilities.

Recruit and hire minority chaplaincy personnel in order to increase minority representation to 33 percent of regular staff and 60 percent of contractual staff.

Raise chaplaincy staffing complement in all facilities to the level endorsed by ACA standards.

Double the level of prisoner/family centered program options.

Base Program Description: Chaplaincy personnel within the Federal Prison System function as ecclesiastical clergy persons offering seven day pastoral care and crisis/help care to prisoners, staff and staff families. Within the correctional setting where it is common for prisoners to have poor self images, guilt feelings, and suffer from the corrosive effects of confinement, chaplaincy personnel have a major role in sustaining the prisoners. Pastoral care includes routinely visiting a minimum of once weekly, those areas of the institution where prisoners are confined without freedom of movement, such as segregation and the hospital. Visits are routinely made to the visiting room, the housing units, occasionally to the work assignment areas, and to prisoners confined to community hospitals.

Chaplaincy care is offered to all inmates by making available worship services of the various religious disciplines represented within the prisoner population. There are approximately 150 different faith groups in Federal facilities. All religious activities are open to prisoners of all religious persuasions. Chaplaincy personnel are responsible for delivering the religious services of their particular faith group and for arranging the delivery of religious services of other faith groups through contract or volunteer clergy. In an average correctional facility there will be approximately 19 religious worship services offered each week.

Other religious program options offered weekly include, Bible studies, moral growth seminars, group counseling, retreats, revivals, choirs, marriage enrichment programs and counseling. In an average institution, there are usually about 16 non-worship meetings weekly. Assistance is also provided regarding religious diets, apparel, and holiday observances.

Chaplaincy personnel recruit, train, supervise, and sustain religious volunteers from the community who regularly visit the institution to participate in the religious programming. The volunteers are representative of the community at large. Prisoners frequently develop lasting trust relationships with community volunteers who become a prime influence in the prisoner's adjustment and represent continuing contact with the world outside.

Major Objectives:

- Provide psychological screening for every inmate admitted to the Federal Prison System.
- Establish base rates of incidence of the different types of mental health problems found in the inmate population.
- Provide psychotherapy to all inmates who desire and need it.
- Provide crisis intervention counseling to every inmate in crisis.
- Develop a standardized program evaluation package for drug abuse treatment programs.
- Provide psychological evaluation requested by the courts, parole officials, and prison administrators.
- Provide staff with training, supervision, and consultation as requested by program managers.
- Implement special treatment programs in drug abuse and alcohol abuse units.

Base Program Description: Psychology staff are an integral part of correctional treatment administering programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every inmate admitted to a Bureau facility be given an initial psychological screening which consists of psychological testing, psychological interviews, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them. The Minnesota Multiphasic Personality Inventory (MMPI) is the psychological screening test used. The results of the screening are summarized in a report placed in both the inmate's central file and the psychological file.

Psychotherapy, both individual and group, is offered on a voluntary basis to those inmates who express a desire and evidence a need for it. Psychology service's resources are also geared to "life competency skills" training and orientation. The approach has proven successful in improving personal skills and knowledge including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills.

Short-term crisis counseling has only recently been acknowledged by mental professionals as a powerful, viable skill. Not only have Bureau psychologists gained expertise in this area, but they also have provided training and consultation to staff in all institutions.

Bureau psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations. With the agreement and cooperation of the U.S. Parole Commission, many presentence evaluations have been diverted from the institution to the community.

There are currently 34 Drug Abuse Programs throughout Bureau facilities. In each program, the staff psychologist is responsible for the development, implementation, and evaluation of the treatment programs provided. Many successful and innovative treatment techniques have been developed by these psychologists.

Accomplishments and Workload: Actual and estimated accomplishments of the Psychology Program are presented in the following table:

Item	Estimated	
	1981	1982
Court evaluations.....	1,000	1,200
Routine evaluations.....	23,000	23,000
Individual therapy sessions.....	34,500	34,500
Group therapy sessions.....	8,100	8,100
Participants in group therapy.....	15,600	15,600
Crisis intervention sessions.....	21,500	21,500
Staff training sessions.....	3,700	3,700
Unit team meetings.....	8,000	8,000

It should be noted that a time study performed in 1979 indicated that the workload data for this program accounts for approximately 60 percent of a staff psychologist's time. Other duties, more difficult to measure, include administration, staff consultation/supervision, personal development classes, liaison work, and research.

Program Changes: For 1982, an increase of \$51,000 requested to provide contractual psychology services at the new Tucson, Arizona Federal Detention Center, is more than offset by program decreases of 7 positions and \$25,000. These reductions are the result of maintaining employment through 1982 at the approximate level of on-board employment at the end of 1980. More detailed resource information regarding the activation of the Tucson Detention Center in January 1982 is contained in the section "Justification of Multi-Activity Program Increases".

Activity: Institution Administration and Maintenance	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Institution Administration.....	1,023	1,039	\$38,960	1,023	1,023	\$40,100	1,032	1,030	\$40,612	9	7	\$512
Staff Training.....	68	66	5,026	68	67	5,497	64	63	5,419	-4	-4	-78
Institution Maintenance.....	787	765	46,148	787	761	48,280	789	763	48,475	2	2	195
Total.....	1,878	1,870	\$90,134	1,878	1,851	\$93,877	1,885	1,856	\$94,506	7	5	\$629

This budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

1981 Appropriation Anticipated	1982 Base			1982 Estimate			Increase/Decrease					
	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount				
Institution Administration.....	1,023	1,039	\$38,960	1,023	1,023	\$40,100	1,032	1,030	\$40,612	9	7	\$512

Long-Range Goal: To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures.

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Major Objectives:

Fully implement on-line automation of all financial management systems to ensure that the necessary support and management data is provided to institutional managers.

Restructure and reorganize financial management to ensure successful implementation and management of automated systems and improve cost center management.

Increase the rate of minority hiring from 28 percent to 33 percent and maintain the current female hiring rate at 28 percent.

Increase minority promotions from 24 percent to 30 percent and female promotions from 16.7 percent to 20 percent.

Negotiate local labor contracts and revise all appropriate local program statements to conform with civil service reform legislation and the new local contract.

Implement the SENTRY automated sentence computation and population accountability systems.

Provide adequate professional safety staffing in all institutions to meet Occupational Safety and Health Administration, American Correctional Association and Department of Justice standards requirements, including at least two full-time safety professionals in every institution.

Base Program Description: The Institution Administration program consists of an institution's executive staff, business office, personnel office and safety office. Financial Management is charged with the management and control of all allotted funds with responsibility for procurement, warehousing, issuing supplies, equipment, contracting for services, disbursement and collection of monies and collection and input of all data for the automated accounting system and employee payroll.

The personnel office, in assembling and maintaining an effective workforce, advertises all vacancies, collects applications, establishes promotion boards and prepares a list of eligibles. The personnel office ensures that all position descriptions are current and accurate. It serves as the management representative to the union, develops manpower plans for institutions and plays a major role in recruiting minorities to meet Equal Employment Opportunity goals.

The records office is responsible for the processing of detainees, and the admission, transfer, sentence computation for and discharge of all Federal prisoners. The admissions process, for example, entails the identification of inmates, review of court documents, fingerprinting, photographing, and disposition of personal property. Following admission, the records office must perform sentence computation, which involves adjustments due to U.S. Parole Commission action, Institution Disciplinary Committee actions and good time.

The records office provides paralegal services such as answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in court matters pertaining to inmate records; and providing expert testimony regarding sentence computation.

The safety program involves the inspection of institutions for sanitation, rodents, unsafe working conditions and presence of hazardous chemicals. The safety officer is responsible for processing of accident reports and compensation forms for employees.

Accomplishments and Workload: Actual and estimated accomplishments for the Institution Administration Program are presented in the following table:

Item	Estimated		
	1979	1980	1981
Purchase Orders.....	80,063	82,189	83,800
Accounting Transactions.....	1,286,785	1,438,269	1,590,000
Complaints Processed.....	18,002	18,680	18,000
Transfers in Process.....	13,664	13,820	13,800
Other Movement in (Parole, Writs, etc.).....	65,821	65,875	65,700
Discharges.....	12,871	13,650	13,000
Transfers Out.....	19,520	10,514	10,000
Other Movement Out.....	19,589	77,664	77,200
Other Admissions.....	13,981	14,021	14,000
ED Recruiting Actions.....	187	7,240	7,250
Personnel Actions.....	7,976	7,517	7,400
Safety Inspections.....	4,203	4,210	4,250
Accident/Injury Investigations.....	1,791	1,725	1,750
Fire Investigations.....	395	390	390

The workload of financial management has increased significantly as a result of the imposition by the Congress and the Department of Justice, of detailed fund controls. To ensure that the Federal Prison System operates within these controls and restraints, an automated on-line Financial Management Information System has been developed and activated. This system affords management instant information with regard to funds and established limitation levels.

The number of internal financial management reviews each year has been increased, as well as the scope of the reviews. An automated property management system and a real property system has been designed and will soon be implemented to eliminate deficiencies cited by General Accounting Office and Department of Justice audits.

Program Changes: Increase of 9 positions and \$512,000 are requested in 1982 to provide staff and resources for the administration of the Federal Detention Center, Tucson, Arizona, which will be opened in January, 1982. Positions requested are Assistant Administrator, Personnel Officer, 4 positions for business and fiscal operations and 2 administrative systems positions (records and data transmission). Funds requested also include supplies, equipment and travel expenses. More detailed information regarding the resources for activation of the Detention Center are contained in the section "Justification of Multi-Activity Program Increase".

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Staff Training.....	68	66	\$5,026	68	67	\$5,497	64	63	\$5,419	-4	-78

Long-Range Goal: To communicate current policies and procedures to all staff and to teach them the skills and techniques necessary to maintain a safe, secure and productive correctional environment.

Major Objectives:

To conduct 31,076 instances of training by 1986 including the following:

- 24 hours of annual correctional refresher training for each employee by 1986 (8,000 instances). One-third of this training is being provided now; the remainder will be added one-fifth at a time for the five year period 1982 through 1986. For accreditation, the American Correctional Association requires 40 hours of training each year for each employee. This course will provide 24 hours of the training by 1986.
- 16 hours of annual job specialty training for each employee by 1986 (8,000 instances). One-third of this training is being provided now; the remainder will be added one-fifth at a time for the five year period 1982 through 1986. Combined with the training above, the American Correctional Association standard of 40 hours of training each year for each employee will be met by 1986.

To provide 20,319 instances of training by 1982 as follows:

- Annual job specialty training for 2,360 employees.
- Annual executive/management classes for 203 employees including SES candidates and incumbents.
- Basic correctional training for all new staff (1,127 instances).
- Advanced correctional classes for 165 experienced employees.
- Instruction for 781 trainers, supervisors, and managers.
- Annual correctional training for 2,729 employees.
- Institution-based operations training for all staff (12,834 instances).

Base Program Description: Staff training is being provided on site at each of the institutions; at four residential training centers; through external training provided by the office of Personnel Management and other Federal agencies; by colleges and universities; and by private agencies.

The Federal Prison System operates training centers at Denver and Atlanta which provide three weeks of introductory correctional training for all new employees. These modern facilities accommodate up to seventy students. The training center facilities include housing for the students, rifle ranges, and adequate space for firearms, self-defense, and disturbance control training. Course materials are organized and written and provide instruction on abnormal behavior, community programs, counseling systems, the dynamics of prejudice, equal employment opportunity, employee conduct and responsibility, employee stress management, escapes, fire prevention, first aid, correctional practices, inmate discipline, interpersonal communications, and legal issues.

Most of the Bureau's meetings, workshops, and conferences are held at the management and specialty training center in Dallas, Texas. This center can house fifty students at costs substantially less than they would be at a motel. The center conducts a wide range of courses for supervisors and program managers and also trains trainers for the institutions' locally conducted courses. These include courses for locksmiths, bus operations trainers, equal employment opportunity counselors, unit managers, correctional counselors, correctional supervisors, medical records technicians, hospital administrative officers, case managers, and industrial aid-managers. The training center offers courses for required instructor certification in firearms, self-defense, disturbance control, and interpersonal communications.

The Uford correctional institution operates a center which offers training for the food service personnel in all Bureau of Prisons institutions.

Accomplishments and Workload: Actual and estimated accomplishments for the Staff Training program are presented in the following table:

Item	1979	1980	Estimated	
			1981	1982
External Training Provided:	2,547	3,089	3,090	3,100
SIC Training Provided:	1,204	1,351	1,362	1,392
MSIC Training Provided:	736	747	750	755
Internal Training Provided:	16,115	19,751	19,760	20,000

In 1979, 1980, and 1981 the training program delivered or will deliver, 19,886 instances of training to nearly 10,000 employees. The associated number of manhours exceeds 430,000. For 1982, the number of training instances is estimated to increase to 22,548 and the number of manhours of training 502,000. By 1986, the figures will be 31,000 instances and 672,000 manhours. Contrasting these with past years' accomplishments illustrates the progress that has been made. In 1964 only 1,200 training instances were delivered with a total of 32,000 manhours. In 1969 there were 4,800 training instances and 144,000 manhours.

Program Changes: For 1982, an increase of \$35,000 requested for establishment of training programs at the new Federal Detention Center, Tucson, Arizona, is more than offset by program reductions of 4 positions and \$115,000. These reductions are the result of maintaining employment through 1982 at the approximate level of on-board employment at the end of 1980. More detailed resource information concerning the January, 1982 activation of the Tucson Federal Detention Center is found in the section "Justification of Multi-Activity Program Increases".

1981 Appropriation
Anticipated

Pos.	1982 Base		1982 Estimate		Increase/Decrease					
	Pos.	Amount	Pos.	Amount	Pos.	Amount				
787	765	\$46,148	787	761	\$48,280	763	\$48,475	2	2	\$195

Institution Maintenance.....

Long-Range Goal: Continue preventive maintenance program and service of all utilities systems in the most energy efficient manner, to avoid excessive major repairs and interruptions in institutional programs.

Major Objectives:

Complete approximately 100 major repair projects and 90,000 minor repair projects in FY 1982.

Provide 24-hour coverage in high pressure boiler plants as required by the NFPA, Code 85.

Continue the program of reducing motor vehicle fuel consumption by 10 percent based on 1979 usage.

Institute an automated program of reporting usage.

Comply with requirements of NFPA, 101 Life Safety Code as it pertains to penal facilities.

Activate an institution maintenance program at the Federal Detention Center at Tucson, Arizona.

Base Program Description: Institution maintenance requirements are identified through facilities inspections conducted as part of the ongoing preventive maintenance program, through formal semiannual inspections and through requests for specific needs identified by institution staff members. All items of work are submitted in the form of work requests to the institution facility manager. Items costing less than \$200 are approved by him and assigned to the proper shop for completion.

Requests estimated to cost from \$200 to \$4,000 are submitted to the Institution Work Programming Committee for consideration and scheduling. Requests in excess of \$4,000 are included in the Modernization and Repair program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and between five and fifteen inmates. Each institution must have staff with experience and training in each phase of construction and maintenance work (i.e., to train and supervise inmate crews in their performance of the work). Highly skilled work foremen are required in several trades such as steamfitters, air conditioning mechanics and electronics repairmen.

A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Maintenance program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Major maintenance projects completed (\$200-\$4,000).....	800	763	800
Minor maintenance projects completed (\$200 or less).....	90,680	105,584	105,700
Power plants operated.....	33	33	33
Vehicle miles driven.....	8,554,559	6,535,140	6,535,140
Percentage of power plants operated with 24 hour coverage.....	87	91	94
Percentage Increase/Decrease in miles driven from previous year.....	+10%	-24%	...
Vehicle miles driven have been reduced by 24 percent as compared to FY 1979 in accordance with DOE requirements to reduce vehicle fuel consumption.			...

A program of training for facility managers has been recently developed to achieve better management of available resources. This week long training experience includes training in management duties and responsibilities, personnel policies and procedures, planning and organizing work, effective communications, systems for controlling manpower, labor management relations, and solving problems common to facilities management. The course was designed to fit as closely as possible those situations and problems faced by a facility manager in day-to-day operations.

The Bureau has developed new energy policy to provide guidance and direction on energy conservation, reporting, and other issues. A SYDOR-based automated energy reporting system is being developed and will provide management with much more accurate and timely information on energy usage than in the past. Engineering surveys of all Bureau facilities are presently underway as a means of identifying ways to reduce energy consumption.

Program Changes: The 1982 request for this program includes resources for 2 new positions and \$195,000. These resources will provide for two maintenance foreman positions and operational funds to establish a maintenance program at the Federal Detention Center, Tucson, Arizona, which will be activated in January, 1982. More detailed justification for this increase is contained in the section "Justification of Multi-Activity Increases".

Activity: Community Corrections	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Federal Community Treatment Centers and Other Community Programs.....	133	195	\$6,243	133	195	\$6,454	133	195	\$6,454	...	...	...
Contract Community Treatment Centers.....	...	...	23,277	...	...	27,354	...	...	27,004	...	...	-\$350
Total.....	133	195	31,520	133	195	33,808	133	195	33,458	...	...	-\$350
This budget activity provides for the care of Federal offenders in Federal and contract community residential centers. Funds for this activity also support the Community Programs Officers, who serve as Bureau representatives in the community.												
Federal Community Treatment Centers and Other Community Programs.....	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Federal Community Treatment Centers and Other Community Programs.....	133	195	\$6,243	133	195	\$6,454	133	195	\$6,454	...	...	...
Long-Range Goal: Provide for high quality Federal community-based residential correction facilities with programs for: (A) all eligible Federal prisoners who need transitional programming at the end of their sentence; (B) all offenders sentenced in Federal courts who the court determines should be placed in these community-based facilities as an alternative to placement in correctional institutions; and; (C) offenders under probation and parole supervision who are not adjusting well in the community under supervision and need additional attention.												
<u>Major Objectives:</u>												
Release 47 percent of all releases through a CIC. This percent represents the number of inmates who are eligible and/or have a need for a CIC program.												
Place inmates in CIC's for an average length of stay of 120 days.												
Together with contract CICs, provide 100 percent of the community residential program bed space requested by Federal courts, the U.S. Probation Service and the U.S. Parole Commission.												
Develop innovative role models for Federal Community Treatment Center.												
Maintain 100 percent ACA accreditation of Federal CICs.												

Develop contracts in the community as needed and monitor those with less than 1000 mandays a year once a year, and those with 1000 mandays or more twice a year.

Provide training for all contractors, in relatively small groups, once a year for 2-3 days and conduct basic, detailed training at the site of the contract facility at least once a year during a monitoring visit.

Base Program Description: The function of Federal community treatment centers is to provide services to inmates as they attempt to establish themselves as fully functioning citizens while still under supervision. CICs provide many professional services including individual and group counseling, supervised living quarters, employment placement assistance, and direct financial aid. The use of community resources augments the services available. The Bureau currently operates eight community treatment centers.

As a pre-release program, CICs provide a "step" back into the community. Studies have shown the first few months to be the most critical in determining if an ex-offender will return to criminal activity. Having a job, residence, and knowing where to obtain needed services in the community contributes to the inmates' success in the community.

Community Program Officers (CPO's) negotiate and monitor contracts for the boarding of Federal offenders in State and local institutions, contracts for non-federal Community Treatment Centers, provide resource assistance to inmates, and provide technical assistance to State and local correctional administrators. There are presently 49 CPO's stationed in 38 major cities throughout the United States.

CICs are responsible for administering the program "Contract CICs" and "Contract Confinement." Performance measures of those two units reflect directly on the performance of the CPOs. In addition to community residential programs, contracts are maintained with private, state and local juvenile facilities for the placement of all committed juveniles; with state correctional institutions, largely for inmates who are not safe in Federal facilities (protection cases) and those who have very special needs not met by Bureau institutions; and with local detention facilities for the service of sentence of offenders with 60 days or less to serve, or those recommended for local confinement by the court. The CPO's also make recommendations for designation of newly sentenced offenders and assist in the placement of direct commitments to non-federal facilities.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Community Programs are presented in the following table:

Item	1979	Estimates	
		1981	1982
Residents Admitted.....	2,500	1,793	1,850
Pre-Releasees Admitted.....	2,114	1,557	1,600
Court Referrals Admitted.....	98	67	80
Probation/Parole Referral Admitted.....	246	169	190
Number of Federal CICs Accredited.....	8	8	8
Average Length of Stay in CIC (Days).....	105	101	110
Average CIC Use Level for Pre-Releasees (percentage).....	47%	42%	47%

During the past year, the Bureau has revised the guidelines for assigning offenders to CICs. Inmates with identifiable community assistance needs are given priority and programmed through a center. Those with very special needs can be programmed for over six months. Inmates with no identifiable needs may be considered for a limited stay of 30 days.

The Bureau continues to be able to provide bed space for those offenders referred by the courts, i.e., direct commitments with short sentences, probationers needing increased security and supervision, and parolees ordered placed in centers by the U.S. Parole Commission.

All Federal CICs, are accredited. The centers will seek reaccreditation according to the rules to the Commission on Accreditation of Corrections.

Federal CIC directors received management training and instruction in several areas of case management, including discipline and central monitoring cases. CPO's also participated in a national training conference in 1980.

For 1982, no additional resources are requested for this program. Staff and resources presently available are sufficient to effectively administer the 8 Federal CIC's and other community program operations.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Para.	NY	Amount	Para.	NY	Amount	Para.	NY	Amount	Para.	NY
Contract Community Treatment Centers.....	\$25,277	...	...	\$27,534	...	...	\$27,004	...	...
											-\$530

Long-Range Goal: Together with the Federal CIC program, the contract CIC program provides high quality community-based residential correctional programs through contract for: (1) all eligible federal prisoners who need transitional programming at the end of their sentences; (2) all offenders sentenced in federal courts who the court determines should be placed in these community-based facilities as an alternative to placement in correctional institutions; and (3) offenders under probation and parole supervision who are not adjusting well in the community under supervision and need additional attention.

Major Objectives:

Together with Bureau-operated Community Treatment Centers, provide community residential resources to 47 percent of all Bureau releases.

Release inmates to CICs for an average length of stay of 120 days.

Provide 100% of the community residential program bed-space requested by federal courts, the Probation Service and the Parole Commission.

Include all contract CICs (excluding approved exceptions) in the accreditation process by FY 1984 with 75% by 1982.

Base Program Description: Contract Community Treatment Centers provide the same services as do Federal CICs. The Bureau contracts with State, local and private agencies to provide residential resources for institution releases, direct commitments and persons requiring closer supervision than can be provided by U.S. Probation Officers.

Federal facilities can be operated economically only when the Bureau can identify cities which have populations of federal offenders of about 100 eligible individuals each year. An economical alternative to federal residential facilities is the use of contract residential facilities where these exist or where they can be developed. The Bureau has contracts for approximately 400 private CIC units.

Contract CICs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance.

Accomplishments and Workload: Actual and estimated accomplishments for the Contract CIC program are presented in the following table:

Item	1979	1980	Estimated 1982	
			1981	1982
Total Residents Admitted.....	8,226	8,358	8,450	8,500
Pre-Releasees Admitted.....	7,074	7,364	7,500	7,600
Court Referrals Admitted.....	467	403	400	450
Probation/Parole Referrals Admitted.....	685	591	550	560
Probation Daily CIC Population.....	2,140	2,169	2,545	2,560
Average Length of Stay in CICs (days).....	105	100	110	110
Average CIC Use Level for Pre-Releasees.....	47%	42%	47%	47%
Percentage of Contractes Involved in Accreditation Process.....	5%	22%	50%	75%

In the past five years there has been a substantial increase in the number of residents admitted to contract centers - from 4000 in 1975 to a high to 8,226 in FY 1979. The number of CICs under contract increased from 250 centers in 1975 to over 400 centers today.

Centers under contract with the Bureau are becoming involved in the accreditation process and have been encouraged to work towards this goal. Currently 33% of the Bureau's contract centers are in the process of becoming accredited. We anticipate that 50% of the contractors will be involved in the accreditation process during 1981 and 75% by 1982. The Bureau will make case-by-case exceptions to those centers who either cannot or will not become involved in the accreditation process. Such exceptions will be considered for centers that house a very small number of federal offenders, centers in rural areas, and those that provide a unique, specialized service that the Bureau needs and cannot acquire elsewhere.

Program Changes: A program decrease of \$529,000 is reflected for 1982. This decrease represents an appropriate adjustment to current resources which will permit the achievement of the objectives of this program.

Activity: Program Direction	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Executive Direction and Control.....	215	214	\$8,716	215	214	\$8,957	215	214	\$8,957	...	...	...
Administrative Services.....	173	202	11,444	173	202	12,739	173	202	12,739	...	...	...
Total.....	388	416	20,160	388	416	21,696	388	416	21,696	...	...	...

This budget activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services.

Activity: Program Direction	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated											
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Executive Direction and Control.....	215	214	\$8,716	215	214	\$8,957	215	214	\$8,957	...	...	...

Long-Range Goal: To continue providing executive direction and leadership to the Federal Prison System by coordinating, initiating and evaluating planning and operational activities through the various central office branch chiefs, regional office program managers, and the executive staff.

Major Objectives:

Provide program direction through policy development and monitoring, planning, and budgeting to all elements of the Federal Prison System on a continuing basis.

Furnish legal advice on prisoners' rights and sentencing to the Bureau, the courts, the courts, United States Attorneys and private attorneys; and provide other legal services as needed.

Communicate and implement management decisions; provide coordinated planning and budgeting, program analysis, and research; and determine efficient allocation of resources.

Provide executive direction toward meeting correctional standards for all programs.

Base Program Description: The overall administration of the Federal Prison System is located in the central office and five regional offices. The following describes the organization and functions of these offices.

The Executive Staff which plays a major role in Bureau management and operations, includes the Director, all Assistant Directors, General Counsel, Medical Director, Associate Commissioners for Federal Prison Industries, and all Regional Directors. The Executive Staff reviews all major issues and determines major policy for the Bureau.

The General Counsel provides legal assistance and advice to the Federal Prison System including adjudication of grievances and appeals filed under the Bureau's EEO program; review of FIA requests; final appeal on Administrative Remedy Procedures; coordination of litigation; interpretation of laws and directives; review of policy and procedures for legal implications; and other legal assistance as necessary.

The Office of Inspections is a new office responsible for investigating violations of standards of professional conduct by employees and officers of the Federal Prison System and for providing overall guidance in program auditing.

The Assistant Director for Correctional Programs is responsible for programs for the care, custody and correction of inmates including institution security, inmate custody, case management, unit management, chaplaincy and psychology services, staff training, and education and leisure programs. He is also responsible for the function of personnel management.

The Director of the Medical and Services Division is responsible for establishing a ny-wide health care program. The Medical Director is also responsible for the Bureau's farm operations, food services, special inmate services (including commissary, laundry, barberhop), and safety and sanitation.

The Assistant Director for Planning and Development is responsible for the Bureau's construction and mechanical services activities for new and existing facilities; program planning and evaluation; budget development; and financial management.

The Associate Commissioner for Federal Prison Industries (FPI) reports directly to the Director and to the Federal Prison Industries Board of Directors. The Associate Commissioner is responsible for four major functional areas: FPI Industrial Operations and Corporate Management; Community Programs; Correctional Standards; and Information Systems.

Accomplishments and Workload: Actual and estimated accomplishments for the Executive Direction and Control program are presented in the following table:

Item	Estimated		
	1979	1980	1981
Policy Statements Issued.....	94	95	100
Meetings, Workshops, Audits, Conferences, Staff Assistance Visits.....	1,152	1,175	1,175
Budget Back-up, Program Analysis, Projects Facilities Analysis, Capabilities, Staffing Patterns, Chart Preparation, Special Assignments.....	83	80	80
Public Affairs Reports and Requests.....	4,371	4,375	4,375
Congressional Inquiries.....	7,800	7,800	7,800
Fort Claims.....	1,507	1,510	1,510
FOI/Privacy Act Cases.....	2,720	2,720	2,720
Administrative Remedy Cases.....	27,129	26,980	26,990
EEO Cases.....	80	80	80

For 1982, no additional resources are requested for this program. At the current level, resources are sufficient to meet the objectives established for this program.

1981 Appropriation Anticipated	1982 Base			1982 Estimate			Increase/Decrease	
	Para. Pos.	MY	Amount	Para. Pos.	MY	Amount	Para. Pos.	MY
Administrative Services.....	173	202	\$11,644	173	202	\$12,739	...	...
Long-Range Goals: Provide for effective personnel policies and administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.								
Major Objectives:								
Increase the rate of hiring minorities from 28 percent to 33 percent and maintain the current rate of hiring for females. Increase the number of minority promotions from 24 percent to 30 percent and the promotion of females from 16.7 percent to 20 percent.								
Negotiate labor contracts and revise all appropriate Program Statements to conform with Civil Service Reform legislation and the new contract.								
Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems.								
Develop a computerized position control system. Develop and issue a classification manual to increase the consistency of classification decisions.								
Design and implement a total on-line financial management information system to ensure the rapid availability of financial management data required to achieve the missions and goals of the Bureau.								
Place more emphasis on cost center management (primarily through training) to ensure greater program manager involvement in the management of funds.								
Conduct financial management reviews at all institutions.								
Continue to implement SENTRY at institution sites during 1982.								
Improve system wide service and teletype telecommunication system.								
Base Program Description: This program consists of human resources services; general services support, and systems support. Included are the functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management.								
Personnel administration is largely regulated by the government-wide merit system and requires considerable planning and coordination with both the Department of Justice and the Office of Personnel Management. Coordination is necessary with colleges, high schools, civic groups, public and private groups and organizations in order to recruit an efficient work force. Increasing minority and women hiring is accomplished through recruitment campaigns, visits to colleges and universities and other similar programs. EEO specialists have been placed in each region in order to help carry out this program.								

Training is provided to appropriate personnel in labor/management relations and arbitration. Provisions of newly negotiated Master Agreements and local supplemental agreements are communicated widely to increase employee involvement, particularly field employees, in the process. Merit System Protection Board and arbitration cases are reviewed and analyzed to provide more thorough insight into labor/management policy problems.

Financial Management provides for the design, development, and implementation of financial systems and the maintenance and continuous analysis, evaluation and modification of existing systems to ensure compliance with statutory and regulatory requirements and meet the administrative needs of the Bureau. Financial Management establishes property accounting, cost based budgeting practices and suitable internal control procedures; and develops and provides financial reports on the fiscal status, financial results of operations, and the cost of the Bureau's operations.

Financial Management is also responsible for the development of the Bureau's financial operating plans and the administration of funds appropriated to the Bureau. Financial audits are conducted to ensure field compliance with policies and regulations. These audits are scheduled to accomplish a financial review of each field location every 18 months. It is important to note that half of the Bureau's fiscal force consists of inmates. This help is essential to the financial program; however, it requires extensive staff time for training the offenders because of their high turnover rate and inexperience.

The Property Management and Procurement functions are also the responsibility of Financial Management. This includes procurement authority for all services and supplies; the administration of regulations for all procurement and personal property and administrative legal claims matters; and the review and interpretation of statutes and regulations of other government agencies relating to all phases of property management and procurement.

The Bureau's current information system provides a variety of demographic information on the inmate population, but its use is limited because the information is not definitive, is not timely and frequently, is inaccurate. For the past few years the Bureau has been involved in the implementation of the SENTRY system, a system which will perform up-to-the minute locator status information on all individuals under the custody of the Attorney General. It will provide population counts and refined inmate demographic statistics; interagency and intra-institution population movement, schedules, notices, and statistics; and it will automatically compute and update sentence computations. It will also provide for base program data for management of the Commissary Trust Fund operations.

Table 1
Accomplishments and Workload: Actual and estimated accomplishments for the Administrative Services program are presented in the following

Item	1979	Estimated	
		1981	1982
Personnel Surveys.....	21	21	22
EEO Rectifying.....	46	80	80
Arbitration Cases.....	38	75	75
Financial Management.....	28	21	32
System Support Batch ADP-Supported Sites.....	103	107	107
ROP SENTRY Sites.....	12	59	82
USMC SENTRY Sites.....	2	3	105
USPC SENTRY Sites.....	5	5	6

Staffing activities have been enhanced through several key efforts. The hiring of clinical psychologists has traditionally been difficult for the Bureau. Approval was sought and obtained from the Office of Personnel Management to establish and maintain a register for this profession. Since the register was established, approximately 40 psychologists have been hired with about 50 eligibles remaining on the register at all times. Approval was also granted to utilize the Graduate Cooperative Education Program for recruiting candidates for social science research positions. The Bureau has hired most of its students through the Undergraduate Cooperative Education Program which has proven to be an excellent recruiting tool to fill correctional officer positions. Administrative Systems Management organizational structures and functional responsibilities were reviewed to standardize grading patterns throughout the system. A wage board task force reviewed representative positions to overcome pay overlap problems between wage board and general schedule positions. A system of position control, compatible with the financial management reporting system, is currently being computerized. This system should be operational by the end of this year and will enable the Bureau to quickly provide detailed information on authorized and filled positions.

An EEO Counselor Training Program was revised and improved and 40 new Counselors have been trained. Moreover, 150 managers and supervisors participated in EEO management training. The Bureau sponsored exhibits in 5 national minority organization conventions and staff participated in a National Alliance of Businessmen program in activation for high school students.

Program Changes: An increase of \$500,000 is requested in 1982 to support increased workload in the Justice Data Center which results from the planned increase of on-line SCRIPT sites in 1982.

Federal Prison System

Status of Congressional Requested
Studies, Reports, and Evaluations

1. The House Judiciary Committee Report on the Department of Justice Authorization Act, 1981 (House Report No. 96-873) recommended the Bureau of Prisons conduct a feasibility study of possible alternate uses for the Federal Correctional Institution at Alderson, West Virginia. The report was to be submitted to Congress by January 1, 1981. A Task Force, appointed by the Director of the Bureau of Prisons, has completed a feasibility study and a copy of the report was forwarded to Congress by the Department of Justice on December 31, 1980.
2. The Joint Resolution for continuing appropriations for fiscal year 1981 of October 1, 1980 (Public Law 96-369, Section 119) directed the Bureau of Prisons to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration. The Bureau was also directed to immediately cease dismantling the island's physical facilities and to develop and implement a plan to protect and maintain the island's physical facilities, natural resources, and wildlife. The Bureau of Prisons has ceased its dismantling of the island and in cooperation with the General Services Administration, the Fish and Wildlife Service, and other agencies, has developed and implemented a plan to protect and maintain the island. The Bureau will keep the plan in operation until such time the General Services Administration disposes of the island.

Federal Prison System
Salaries and expenses
Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Per- Pos.	Work- Years	Amount
1981 as enacted.....	9,160	9,029	\$334,400
Supplementals requested:			
Pay increase supplemental requested:			<u>Amount</u>
Increased pay costs.....			\$17,141
Savings resulting from employment reductions.....			-850
Costs associated with reimbursable programs.....			-610
Deferral of programs to meet increased pay costs.....			-3,300
Other absorptions.....			-88
Net pay supplemental.....			<u>12,293</u> ^{1/}
Program supplementals requested:			
Housing Cubans.....			103
1981 appropriation anticipated.....	9,160	9,042	351,293
Uncontrollable increases:			
Annualization of 1981 pay increase.....		50	4,970
Annualization of positions approved in 1981.....		43	1,076
Within-grade increases.....			1,793
Step-board salary increases.....			1,178
Health benefits costs.....			617
Federal Employee's Compensation Act (FECA).....			462
Standard Level User Charges.....			101
GSA recurring reimbursable services.....			11
Travel costs - airfare increases.....			536
Departmental printing and reproduction costs.....			28
Printing costs for the Federal Register and Code of Federal Regulations.....			18
General pricing level adjustment.....			8,828
Total, uncontrollable increases.....		93	<u>19,818</u>
Decreases:			
Annualization of 1981 decreases.....		-28	-530
Non-recurring costs for Federal Telecommunication System (FTS).....			-160
Non-recurring costs for housing Cubans.....			-103
Total, decreases.....		-131	<u>-4,600</u>
1982 Base.....	9,160	9,044	\$355,621

^{1/} Includes \$1,250,000 to be derived by transfer from unobligated balances, "Buildings and facilities".

Federal Prison System
Salaries and expenses
Adjustments to Base and Built-in Changes
(Dollars in thousands)

<u>Uncontrollable increases:</u>	<u>Work</u>	<u>Budget</u>
	<u>years</u>	<u>Auth.</u>
1. Annualization of 1981 pay increase.....	50	\$4,970
<p>This provides for annualization of the October 5, 1980 pay increase resulting from Executive Order 12248. There are 261 compensable days in 1981 and four days (October 3-4, 1980) were not included in the pay raise. Of the pay raise amount of \$17,141,000, \$4,760,000 was absorbed. The calculation of the amount required for annualization is:</p>		
4/261 x Amount of pay raises.....		\$263,000
1981 Absorption of pay.....		4,707,000
Total annualization.....		4,970,000
2. Annualization of 32 positions approved in 1981 for the expansion of the Federal Prison Camp (FPC), Boron, California.....	25	648
<p>This provides for the annualization of 1 additional position for food and farm services, 4 additional positions for medical services, 11 additional positions for institution security, 5 additional positions for unit management, 2 additional positions for general and occupational education programs, 1 additional position for the Leisure program, 1 additional position for psychology services, 3 additional positions for institution administration, 1 additional position for staff training, and 3 additional positions for institution maintenance, approved in 1981 for the expansion of the FPC, Boron, California.</p>		

Work-
Years

Amount

Approved 1981 Increase	Annualization required
\$589,000	
451,000	\$451,000
138,000	
20,000	50,000
225,000	147,000
384,000	648,000

Annual salary rate of 32 approved positions.....
Less lapse (75.26%).....
Net compensation.....
Associated employee benefits.....
Other object classes.....
Total costs subject to annualization.....

18 \$428

3. Annualization of other additional positions approved in 1981.....
This provides for the annualization of 53 additional positions for the U.S. Medical Center for Federal Prisoners, Springfield, Missouri to maintain accreditation by the Joint Commission on Accreditation of Hospitals; 10 additional positions to improve the quality of in-house medical care and permit some expansion in the hours of medical coverage; 10 additional positions to implement unit management at the Federal Correctional Institution, La Tuna, Texas and the United States Penitentiary, Marion, Illinois; 6 additional positions to improve leisure programs; and 1 additional position for 24-hour coverage of a boiler plant at the Danbury, Connecticut, Federal Correctional Institution.

\$1,421,000	
356,000	\$356,000
1,065,000	
112,000	45,000
207,000	27,000
1,384,000	428,000

Annual salary rate of 80 approved positions.....
Less lapse (24.36%).....
Net compensation.....
Associated employee benefits.....
Other object classes.....
Total costs subject to annualization.....

	Work Years	Budget Auth.
4. Within-grade step increases.....	...	\$1,793
Within-grade step increases are projected to amount to 1.00 percent of total personnel compensation estimated for General Schedule employees in 1981.		
Total personnel compensation (11.1) for permanent positions in 1981.....		
Less: Wage board personnel compensation included in 11.1.....		\$184,410,000
Less: Senior Executives.....		-24,485,160
Less: General Schedule personnel compensation - FY 1981.....		-1,002,240
x 1.0 percent.....		158,922,600
Plus benefits at 12.8 percent.....		1,589,226
Increased requirements, 1982.....		203,421
		1,792,647
5. Wage-board salary increases.....	...	1,178
During the first quarter of 1981, the hourly increase averaged approximately 90 cents. This rate of increase is expected to continue through 1981. Approximately 45 cents of this increase was requested in the 1981 pay supplemental. The balance represents the annualized cost of the 1981 wage board increase in 1982.		
FY 1981 wage board workyears.....		
x annual working hours.....		1,115
= total hours of employment.....		2,080
x .45 cents per hour.....		2,319,200
= personnel compensation.....		\$1,043,640
+ benefits (12.8%).....		133,586
Increased requirements, 1982.....		1,177,226

	<u>Work years</u>	<u>Budget Auth.</u>
6. Health benefit costs.....	...	\$417
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates which had a direct impact on Government costs. The requested increase of \$417,000 provides for payment of the average rate increase of 12.4 percent.		
7. Federal Employees' Compensation Act (FECA).....	...	462
The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 billing will be \$462,000 over the 1981 estimate.		
8. Standard Level User Charges.....	...	101
PL 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of General Services Administration to charge for the use of space furnished. The requested increase of \$101,000 provides for the same quality and quantity of space in 1982 as in 1981.		
9. GSA recurring reimbursable services.....	...	11
The General Services Administration provides additional heating, ventilation, air conditioning and guard services on a reimbursable basis. An \$11,000 increase is requested for guard service to maintain the same level of service in 1982 as in 1981.		
10. Travel costs - airfare increases.....	...	536
Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$536,000.		
11. Departmental printing and reproduction costs.....	...	28
The Justice Publications Service Facility provides central printing and reproduction services to the Department. The Bureau of Prisons has no control over the rates charged for these services. Full recovery of the costs of the services will require a 9 percent increase or \$28,000.		

	Work years	Budget Actual
12. Printing Costs for the Federal Register and Code of Federal Regulations.....	...	\$18
The Legislative Branch Appropriations Act of 1978 (P.L. 95-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding and distributing the Federal Register and the Code of Federal Regulations. An increase of \$18,000 is requested for this service in 1982.		
13. General pricing level adjustment.....	...	8,828
This request applies the OMB pricing guidance of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 8.3 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates and where unobligated balances are brought forward from prior years.		
Total, uncontrollable increase.....		
Decreases (automatic non-policy):	93	19,618
1. Annualization of position reductions in 1981.....	-28	-530
The FY 1981 budget included reductions of 142 positions and related operating expenses for the USP at Atlanta, Georgia; and 33 positions and related operating expenses for the USP at Leavenworth, Kansas for 10 months during the fiscal year. Hence, the reduction requires annualization in FY 1982 for the past-year (two months) salaries and benefits remaining.		
2. Federal Telecommunications System (FIS).....	...	-160
The FIS decrease reflects the advance billing provided to the Department of Justice by the General Services Administration. In FY 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in a decrease of \$160,000.		
3. Non-recurring costs for housing Cubans.....	-103	-4,600
The 1981 supplemental request includes \$4,600,000 for the cost of housing approximately 1,700 Cuban refugees in the Federal Prison System through December 1980. The costs are not expected to continue in 1982.		
Total uncontrollable decreases.....		
Total, adjustments to base and built in changes.....	-131	-5,290
	-38	14,328

Federal Prison System
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Inmate Care and Custody											
	Food and Farm Services		Medical Services		Other Inmate Services		Contract Work in State and Local Institutions		Institution Security		Unit Management	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS-12.....
GS-11.....
GS-9.....	14	\$260	...	...	...	...	...	...	2	\$37
GS-8.....	-20	-337
GS-7.....	-7	-106
GS-6.....	6	82
GS-6.....
GS-5.....	1	12	...	...	...	...	...	...	...	...
GS-4.....
GS-3.....
Ungraded.....
Total positions and annual rate.....	15	272	...	...	...	...	...	...	-2	-17
Lapse.....	-3	-68	...	...	1	...	...	...	8	1
Total workyears and personnel compensation.....
Other personnel compensation.....	12	204	...	...	1	...	...	...	-2	-16
Personal benefits.....	12	...	...	...	...	...	...	2	2
Travel and transportation of persons.....	23	...	...	...	...	...	...	...	...
Transportation of things.....
Communications, utilities and other rent.....	5	...	...	...	...	...
Other services.....
Supplies and Materials.....	485	...	...	...	...	...	...	...	...
Equipment.....	19	...	...	30	...	...	...	...	...
Grants.....	120	...	...	50	...	...	...	...	...
Grants Subsidies and contributions.....
Total workyears and obligations, 1962.....	12	863	...	...	86	...	...	...	-2	33
	-41	...	...	...	...	...	...	...	...	...
											-16	-276

Financial Analysis - Program Changes (cont.)
(Dollars in thousands)

Item	Inmate Programs				Institution Administration and Maintenance			
	General and Occupation Education	Leisure Program	Religious Program	Psychology Program	Institution Administration	Staff Training	Institution Maintenance	
	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	
Grades								
GS-12.....	...	...	...	-7	1	...	...
GS-11.....	...	...	...	...	2	...	...
GS-9.....	-30	...	...	...	44	...	...
GS-8.....	-832	...	...	...	1	...	...
GS-7.....	...	-5	...	...	17	...	...
GS-6.....	...	...	...	...	...	...	...
GS-5.....	...	...	...	...	27	...	...
GS-4.....	...	...	...	...	25	...	...
GS-3.....	...	...	...	...	...	...	...
Ungraded.....	...	...	...	...	...	...	...
Total positions and annual rate.....	-30	-5	-84	-7	9	-4	2	
Lapse.....	-97	...	-18	...	-2	...	...
Total workyears and personnel compensation.....	-30	-5	-98	-7	7	-4	2	
Other personnel compensation.....	...	-6	...	-11	...	...	...
Personnel benefits.....	-81	-11	...	-20	131	...	...
Travel and transportation of persons.....	...	...	...	...	22	15	...
Transportation of things.....	...	...	...	...	85	...	...
Communications, utilities and other rent.....	...	...	...	...	...	...	...
Other services.....	50	-13	...	...	...	...	...
Supplies and Materials.....	11	-37	...	14	...	...	...
Equipment.....	40	15	...	1	...	...	...
Grants Subsidies and contributions.....	...	...	...	5	...	...	...
Total workyears and obligations, 1982.....	-30	-5	-150	7	7	-4	2	
				...	512	-78	195	

Financial Analysis - Program Changes (cont.)
(Dollars in thousands)

Item	Community Corrections Contract		Program Direction Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS-12.....	-6	-\$162
GS-11.....	4	88
GS-9.....	-17	-390
GS-8.....	-24	-404
GS-7.....	-7	-106
GS-6.....	8	109
GS-5.....	3	37
GS-4.....	1	11
GS-3.....
Ungraded.....	1	21
Total positions and annual rate.....	-37	-796
Lapse.....	-6	-230
Total workyears and personnel compensation.....	-43	-1,026
Other personnel compensation.....	-42	-42
Personnel benefits.....	4	4
Travel and transportation of persons.....	103	103
Transportation of things.....
Communications, utilities and other rent.....
Other services.....	545	545
Supplies and Materials.....	-1,400	-1,400
Equipment.....
Grants Subsidies and contributions.....	660	660
Total workyears and obligations, 1982.....	...	-530	...	500	-43	-1,244

Federal Prison System
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
ES-6 \$50,112.....	1		1		...	
ES-4 \$50,112.....	12		12		...	
ES-3 \$50,112.....	7		7		...	
ES-2 \$50,112.....	2		2		...	
GS/GM-15 \$44,547 - \$50,112.....	95		95		...	
GS/GM-14 \$37,871 - \$49,229.....	181		181		...	
GS/GM-13 \$32,048 - \$41,660.....	162		162		...	
GS-12 \$26,951 - \$35,033.....	570		564		-6	
GS-11 \$22,486 - \$29,236.....	947		951		4	
GS-10 \$20,467 - \$26,605.....	92		92		...	
GS-9 \$18,585 - \$24,165.....	1,279		1,258		-21	
GS-8 \$16,826 - \$21,875.....	1,200		1,176		-24	
GS-7 \$15,193 - \$19,747.....	1,986		1,979		-7	
GS-6 \$13,672 - \$17,776.....	969		977		8	
GS-5 \$12,266 - \$15,947.....	485		488		3	
GS-4 \$10,963 - \$14,248.....	89		90		1	
GS-3 \$9,766 - \$12,700.....	4		4		...	
Ungraded positions.....	1,079		1,080		1	
Total, appropriated positions.....	9,160	\$190,676	9,119	\$194,156	-41	\$3,480
Pay above stated annual rates.....	36	694	36	694	...	...
Leaves.....	-348	-6,697	-442	-9,353	-94	-2,656
Savings due to lower pay scales for part of year.....	...	-263	...	...	...	263
Net personnel.....	8,848	184,410	8,713	185,497	-135	1,087

Federal Prison System
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate MAYBE Amount	1982 Estimate MAYBE Amount	Increase/Decrease MAYBE Amount
11.1 Permanent positions.....	8,783	\$184,410	8,702 \$185,497
11.1.1 Positions other than permanent	36	351	315
11.1.2 Part-time permanent.....	126	1,230	1,104
11.1.3 Temporary employment.....	40	392	352
11.1.4 Other part-time and intermittent employment.....	141	2,938	2,797
11.1.5 Other personnel compensation	159	9,302	9,143
11.2 Overhead.....			
11.2.1 Other compensation.....			
11.2.2 Total, workyears and personnel compensation.....	9,285	198,623	9,204 199,405
12 Personnel benefits.....	23,720		25,069
13 Benefits for former personnel.....	133		133
21 Travel and transportation of personnel.....	7,539		7,412
22 Transportation of things.....	2,004		2,241
23.1 Standard level user charges.....	1,188		1,289
23.2 Communications, utilities and other rank.....	18,588		20,447
24 Printing and reproduction.....	272		318
25 Other services.....	50,706		55,514
26 Supplies and materials.....	36,385		39,224
31 Equipment.....	6,220		7,462
32 Lands and structures.....	5		5
41 Grants, subsidies, and contributions.....	916		864
42 Insurance claims and indemnities.....	30		30
Total obligations.....	346,329		359,413
			13,084

Summary of Requirements by Grade and Object Class (Continued)
(Dollars in thousands)

Subject Class	1981 Estimate		1982 Estimate		Increase/Decrease Workyears Amount
	Workyears	Amount	Workyears	Amount	
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES					
11.7 Personnel compensation:					
Military.....	97	\$3,516	97	\$3,516	...
Total workyears and personnel compensation.....	97	3,516	97	3,516	...
12.2 Personnel benefits:					
21 Travel and transportation of persons.....		1,390		1,390	...
22 Transportation of things.....		11		11	...
24 Printing and reproduction.....		33		33	...
25 Other services.....		11		11	...
		3		3	...
Total requirements, HHS Allocation.....		4,964		4,964	...
Total requirements, Salaries and Expenses.....		351,293		364,377	13,085
Relation of obligations to outlays:					
Obligated balance, start-of-year.....		26,124		29,179	
Obligated balance, end-of-year.....		-29,179		-30,244	
Outlays.....		348,238		362,312	

Federal Prison System

Salaries and expenses

Justification of Multi-Activity Program Increases
(Dollars in thousands)

Program	Inmate Care and Custody		Inmate Programs		Institution Administration and Maintenance		Total	
	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.	Pos.	Amt.
Food and farm services.....	...	\$86	...	...	...	...	...	\$86
Medical services.....	4	229	...	...	...	...	4	229
Other inmate services.....	...	86	...	...	...	...	...	86
Institution security.....	7	189	...	...	...	...	7	189
Unit management.....	3	260	...	...	...	...	3	260
General and occupational education.....	...	...	...	\$132	...	...	2	132
Leisure program.....	...	...	1	75	...	...	1	75
Religious program.....	...	...	...	56	...	...	...	56
Psychology program.....	...	...	...	51	...	...	...	51
Institution administration.....	...	...	...	...	9	\$512	9	512
Staff training.....	...	...	...	...	...	35	...	35
Institution maintenance.....	...	...	...	...	2	195	2	195
Total.....	14	850	3	314	11	742	28	1,906

In 1977 Congress appropriated \$2,700,000 for site acquisition, development and design of a Metropolitan Correctional Center of approximately 400 beds in Arizona. In June 1978 Congress approved the reprogramming of the \$2,700,000 for the construction of a Federal Detention Center to be located in Tucson, Arizona. In December 1977 it was determined that construction of the Tucson Detention Center would require an additional \$1,400,000 above the \$2,700,000 made available for this purpose. This increase reflects some construction cost escalation but is primarily the result of the decision to build the facility in conformance with American Correctional Association standards for correctional housing. To finance these additional requirements, funds were approved to be reprogrammed from funds remaining obligated for (1) site acquisition and planning for a Northeast and North Central Federal Correctional Institution and (2) construction of the Federal Correctional Institution at Camarillo, California.

The request of 28 positions and \$1,906,000 will partially finance the activation and operation of the Tucson Detention Center for nine months in 1982. The balance of resources required for full activation and operation will be reprogrammed from the Federal Detention Center at Florence, Arizona when this facility is closed. Resource requirements include staff salaries and related benefits, travel costs, operating expenses and equipment.

Department of Justice
Federal Prison System
National Institute of Corrections
Estimates for Fiscal Year 1982
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Federal Prison System
National Institute of Corrections
Summary Statement
Fiscal Year 1982

The National Institute of Corrections is requesting, for 1982, a total of \$12,890,000, 32 permanent positions and 31 workyears. This represents increases over the 1981 appropriation of \$2,996,000, two positions and two workyears.

The mission of the National Institute of Corrections is to work with State and local governments to assist them in developing and training their corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

The Institute seeks to improve correctional practice through a variety of activities, including management and line staff development, research and evaluation, information sharing, standards development and implementation of improved practices, and technical assistance.

Key program emphases in 1982 includes development, award, implementation, and evaluation of training grants and programs in the NIC priority areas of correctional services staff development, jails, and correctional information services. Increased support for technical assistance will be given through on site efforts to State and local correctional agencies to correct unconstitutional conditions, develop procedures to more effectively administer jails, and improve inmate services. Evaluation will be made of past year activities. Inter-agency activities for correctional research managers will be conducted, along with planning future activities. Increased support will also be given to the training area, especially in-service training programs.

Federal Prison System
National Institute of Corrections
Justification of Proposed Changes in Appropriation Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

<u>National Institute of Corrections</u>	
For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, [\$9,894,000] to remain available until expended.	\$12,890,000

No substantive changes proposed.

Summary of Requirements
(Dollars in thousands)

<u>Perma. Pos.</u>	<u>Work-years</u>	<u>Amount</u>
30	29	\$9,894
...	...	984
30	29	10,878

Summary of adjustments to base and built-in changes:

1981 as enacted.....	30	29	\$7,894
Uncontrollable increase.....	---	---	284
1982 Base.....	30	29	10,878

	1980 Enacted		1980 Actual		1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease							
	Para.	NY Amount	Pos.	NY Amount	Para.	NY Amount	Pos.	NY Amount	Para.	NY Amount	Pos.	NY Amount						
Estimates by budget activity																		
1. National Institute of Corrections...	30	29	\$9,894	30	20	\$10,930	30	29	\$9,894	30	29	\$10,878	32	31	\$12,890	2	2	\$2,012

Federal Prison System
National Institute of Corrections
Justification of Program and Performance
 Activity Resource Summary

Activity: National Institute of Corrections	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
National Institute of Corrections.....	30	\$9,894	30	\$10,878	32	\$12,890	2	\$2,012

Authorization for this program is contained in the Juvenile Justice and Delinquency Prevention Act of 1974. The primary purpose of the National Institute of Corrections (NIC) is to offer assistance through grants and contracts to state and local correctional agencies. Improving correctional practices at all levels has been a national need recognized by correctional and non-correctional personnel. NIC helps to ameliorate this need through its training, technical assistance, research and standards development activities. The Institute offers information and clearinghouse services to the correctional community and helps state and local correctional agencies build the capacity to do their own research.

Long-Range Goal: Provide leadership in moving corrections toward greater professionalism; develop national policies from the guidance and coordination of federal agencies and initiatives affecting corrections; serve as a national center to which state and local correctional agencies can turn to receive many different types of assistance; and serve as a source of correctional information and knowledge to provide immediate and accurate information about a wide variety of correctional programs, policies, planning standards, and practices.

Major Objectives:

To assist jails in evolving as humane, fair, efficient, and effective operations that comply with legal requirements.

To strengthen correctional programs by effective and efficient utilization of staff and organizational resources.

To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.

To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional community to upgrade skills of personnel.

Base Program Description: The program consists of four elements. The technical assistance element provides specialized assistance to state and local correctional agencies in response to specific requests within selected programmatic areas. The research and evaluation element supports applied research and program evaluation of correctional activity. The policy standards element supports the collection and dissemination of relevant correctional policies, programs, practices, and resource documents and provides assistance to jurisdictions attempting to develop and implement correctional standards. The training element attempts to advance correctional organizational performance through a systematic staff development program.

In an effort to increase coordination, reduce duplication, and upgrade state and local corrections, the National Institute of Corrections has initiated several activities, including developing memorandums of understanding between federal agencies, placing representatives of several federal agencies on the NIC Advisory Board, and conducting frequent meetings with representatives from the entire spectrum of correctional practices. An annual plan is approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical assistance, policy formulation/standards, clearinghouse, and research and evaluation to accomplish the objectives in the plan.

Accomplishments and Workload: Accomplishments of the National Institute of Corrections program are presented in the following table:

Item	1979	1980	Estimates 1982	
			1981	1982
Concept papers processed.....	925	800	900	900
Grants and contracts awarded.....	234	226	240	260
Technical assistance provided.....	557	656	700	800
Training participants.....	3,700	3,700	3,700	4,000

In the wake of the February 1980 riot in the New Mexico State Penitentiary, the Institute placed a technical advisor on site to guide the State's long range planning and provide technical assistance in mental health programs, inmate classification and institution security. Institute staff were also called upon by the State of Idaho to provide technical assistance following a disturbance in the Idaho State Penitentiary.

The Institute developed and conducted a national program on fire safety. NIC staff provided on site technical assistance to Oklahoma and Massachusetts regarding compliance with fire safety standards. NIC also worked with Puerto Rico, Louisiana, Georgia, Alabama and Florida to develop action plans to come into compliance with correctional standards, in response to Federal and State court orders. The Institute's Jail Center in Boulder, Colorado, worked with 20 different states in 1980, developing, revising or implementing correctional standards.

Program Changes: Increases of 2 positions and \$2,012,000 are requested for 1982 for the National Institute of Corrections. These increases are needed to expand the grant program and to carry out its legislative mission at a national client level. The requested increase is based on expanded workload that has increased by 155% in grants, 300% in contracts and 352% in requests for technical assistance since 1977 when NIC began operations with a staff of 26.

The increased level of funding would permit NIC to expand its training services and to keep pace with the accelerating demand for technical assistance.

Federal Prison System
National Institute of Corrections
Summary of Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1981 appropriation anticipated.....	30	29	\$9,894
Adjustments to base and built-in changes:			
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	85
Within-grade increases.....	...	...	3
Health benefits costs.....	...	...	2
Steady-state costs.....	...	...	4
Federal telecommunications (FIS).....	...	...	4
Federal Information Systems.....	...	...	39
Travel costs, airfare increases.....	...	...	4
Departmental printing and reproduction costs.....	...	...	837
General pricing level adjustment.....	...	...	964
Total, uncontrollable increases.....	...	...	10,878
1982 Base.....	30	29	

Federal Prison System
National Institute of Corrections
Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Work- Years	Amount
<u>Uncontrollable increases:</u>		
1. Annualization of October 1980 pay increases. This provides for the annualization of the October 5, 1980 pay increase contained in Executive order 12248.	...	\$85
2. Within-grade increases. This request provides for an expected increase in the cost of within-grade step increases. This increase is generally consistent with increases experienced with recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personal compensation \$6,580 and benefits \$767 = \$7,347).	...	8
3. Health benefits costs. The Federal Employees Health Benefit Act (P.L. 91-266) provides that the government's share of health insurance would be 60 percent of the total cost commencing in 1975. Effective January 1, 1980, the Health Insurance Center raised their rates approximately 12.4 percent which had a direct impact on government costs. The requested increase of \$3,000 provides for payment of the estimated increase.	...	3
4. Standard level user charges. P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of General Services Administration to charge for the use of space furnished. An increase of \$4,000 is required in 1982 to pay for space occupied at the end of 1982.	...	4
5. Federal Telecommunications System (FTS). The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$4,000.	...	4

Work- years	Amount
...	\$39
Uncontrollable increase (cont.):	
6. Travel costs - airfare increases.....	
Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1985, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$39,000 over the base of \$111,000.	
7. Departmental printing and reproduction costs.....	4
Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$4,000 over the base of \$49,450.	
8. General pricing level adjustment.....	837
This request applies the DDC pricing guidance of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.3% against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, and contracts with the private sector; transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1982 estimates.	
Total, Adjustments to base and built-in changes.....	984

Federal Prison System
National Institute of Corrections
Financial Analysis - Program Increases
(Dollars in thousands)

Item	National Institute of Corrections	
	Pos.	Amount
<u>Grades</u>		
GS/G4-15.....	1	\$44
GS-12.....	1	27
Total positions and annual rate.....	2	71
Lapse (-).....	...	...
Total workyears and personnel compensation.....	2	71
Personnel benefits.....	...	8
Rents, Communication and other utilities.....	...	40
Grants, subsidies and contributions.....	...	1,893
Total, workyears and obligations, 1982.....	2	2,012

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increases/Decreases	
	Positions	Amount	Positions	Amount	Positions	Amount
ES-4, \$50,112.....	1		1		...	
GS/CH-15, \$44,547 - 50,112.....	3		4		...	
GS/CH-14, \$37,871 - 49,229.....	1		1		...	
GS/CH-13, \$32,048 - 41,660.....	12		12		...	
GS-12, \$26,951 - 35,033.....	2		3		1	
GS-11, \$22,486 - 29,236.....	1		1		...	
GS-9, \$18,585 - 24,165.....	3		3		...	
GS-7, \$15,193 - 19,747.....	3		3		...	
GS-6, \$13,672 - 16,776.....	1		1		...	
GS-5, \$12,266 - 15,947.....	2		2		...	
GS-4, \$10,963 - 14,248.....	1		1		...	
Total, appropriated positions.....	30	\$728	32	\$804	2	\$76
Pay above stated annual rates.....	...	...	...	85	...	85
Lapses.....	-1	-28	-1	-26	...	2
Net permanent.....	29	700	31	763	2	163

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate Workyears	1981 Estimate Amount	1982 Estimate Workyears	1982 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Permanent positions.....	29	\$700	31	\$863	2	\$163
11.3 Positions other than permanent:						
Part-time permanent.....	...	183	...	183	...	...
Total, workyears and personnel compensation.	29	883	31	1,046	2	163
12 Personnel benefits.....	101	113				12
21 Travel and transportation of persons.....	335	364				29
22 Transportation of things.....	25	26				1
23.1 Standard level user charges.....	47	51				4
23.2 Communications, utilities & other rent.....	11	55				44
24 Printing and reproduction.....	64	68				4
25 Other services.....	368	381				13
26 Supplies and materials.....	42	47				5
31 Equipment.....	10	11				1
41 Grants, subsidies, and contributions.....	8,413	10,530				2,117
Total obligations.....	10,299	12,692				2,393
Unobligated balance, start-of-year.....		-727		-322		
Unobligated balance, end-of-year.....		322		520		
Total requirements.....		9,894		12,890		
Relation of obligations to outlays:						
Obligations incurred, net.....	10,299	12,692				
Obligated balance, start-of-year.....	7,349	7,967				
Obligated balance, end-of-year.....	-7,967	-8,951				
Outlays.....	9,681	11,708				

Department of Justice
 Federal Prison System
 Buildings and Facilities
 Estimates for Fiscal Year 1982
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Federal Prison System
Buildings and Facilities
Summary Statement
Fiscal Year 1982

The Federal Prison System is requesting for 1982, a total of \$19,731,000, 25 permanent positions, and 25 workyears for the Buildings and Facilities appropriation. This request represents an increase over the 1981 appropriation of \$4,711,000 and decreases of 10 positions and 7 workyears.

A major objective of the Federal Prison System facilities development program is to provide offenders with a safe and humane environment which affords an acceptable level of privacy and is located, where possible, close to the offenders' area of residence. Towards this end, the Bureau is now in the final stages of a program of construction of smaller, modern institutions which in design and structure, accommodate the offering of a complete range of programs and activities for improving offenders' capabilities to achieve crime-free lives. This program has also enabled the Bureau to develop plans - which have been submitted to the Congress - and initiate these plans for closing the antiquated penitentiaries at McNeil Island, Washington and Atlanta, Georgia, and for converting the Leavenworth, Kansas Penitentiary to a modern correctional facility.

Also included within this appropriation is an ongoing program of renovation/rehabilitation and modernization of utilities systems and structures at existing institutions.

The Buildings and Facilities appropriation contains three budget activities: Planning and Site Acquisition, New Construction, and Modernization and Repair of Existing Facilities.

The activity Planning and Site Acquisition provides resources for the identification and location of suitable sites for the construction of new correctional facilities. It also provides for the design of these facilities in a manner consistent with security and program requirements and architectural innovation. No funds are requested for this program in 1982.

The activity New Construction provides the resources required to construct new correctional institutions. No funds are requested for this program in 1982 because all approved projects have been fully funded.

The activity Modernization and Repair of Existing Facilities provides the resources to undertake essential rehabilitation, renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Increases are requested in 1982 to continue and enlarge important energy conservation activities, to commence conversion of the Leavenworth Penitentiary to a modern correctional facility and to undertake or continue essential rehabilitation and renovation projects.

Federal Prison System
Buildings and Facilities
Justification of Proposed Language Changes

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expense incident thereto, by contract or force account, [\$10,020,000], to remain available until expended: Provided, that labor of United States prisoners may be used for work performed under this appropriation.

\$16,731,000

Explanation of changes

No substantive changes proposed.

Unobligated balances in this account in the amount of \$19,800,000 are proposed to be transferred to other accounts in the Department of Justice to fund costs of the October 1980 pay raise and proposed program supplements as follows: "Salaries and Expenses", General Administration, \$350,000; "Salaries and Expenses, General Legal Activities", \$3,612,000; "Salaries and Expenses, United States attorneys and marshals", \$8,868,000; "Salaries and Expenses", Federal Bureau of Investigation, \$1,120,000; and "Salaries and Expenses", Federal Prison System, \$5,850,000.

Federal Prison System
Buildings and Facilities
Summary of Requirements
(Dollars in thousands)

Summary of adjustments to base and built-in changes:

	<u>1980 Enacted</u>		<u>1980 Actual</u>		<u>1981 Appropriation</u>		<u>1982 Base</u>		<u>1982 Estimate</u>		<u>Increase/Decrease</u>		<u>Perm. Work-</u>		<u>Amount</u>
	<u>Pos.</u>	<u>NY</u>	<u>Pos.</u>	<u>NY</u>	<u>Pos.</u>	<u>NY</u>	<u>Pos.</u>	<u>NY</u>	<u>Pos.</u>	<u>NY</u>	<u>Pos.</u>	<u>NY</u>	<u>Pos.</u>	<u>years</u>	
1981 as enacted.....													35	32	\$10,020
Uncontrollable increases.....													...	...	496
Decreases.....													...	...	-4,060
1982 base.....													35	32	6,656
Estimates by budget activity															
1. Planning and Site Acquisition.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. New Construction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Modernization and Repair of Existing Facilities.....	35	31	\$5,960	35	25	9,595	35	32	\$10,020	35	32	\$6,656	25	25	\$14,731
Total.....	35	31	5,960	35	25	16,563	35	32	10,020	35	32	6,656	25	25	14,731
Other Workyears															
Overhead.....	1				1		1		1		1		1		...
Total comparable workyears.....	32				33		33		26		26		26		-7

Federal Prison System

Buildings and Facilities

Justification of Program and Performance

Activity Resource Summary

Activity: Planning and Site Acquisition	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Para. Pos.	NY Amount	Para. Pos.	NY Amount	Para. Pos.	NY Amount	Para. Pos.	NY Amount
Planning and Site Acquisition.....	...	...	...	...	...	...	...	...
This budget activity provides for the identification and location of suitable sites for, and design of new correctional facilities to be constructed. This activity is not presently active in that the Bureau has completed planning and site acquisition work for all currently funded new construction projects.								
Activity: New Construction	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Para. Pos.	NY Amount	Para. Pos.	NY Amount	Para. Pos.	NY Amount	Para. Pos.	NY Amount
New Construction.....	...	...	...	...	...	...	...	...
The Bureau's long-range construction program was undertaken specifically to (1) reduce institutional overcrowding, (2) eventually close the three large and antiquated penitentiaries, and (3) develop smaller, more humane facilities that will offer programs designed to provide inmates an opportunity to achieve a crime-free life. During 1980, construction was completed on the Talladega, Alabama FCI for youths/young adults, and essentially completed on the Lake Placid, New York FCI for youths/young adults. In 1981, construction will be completed on the Otisville, New York FCI for adults, and will commence on the Tucson, Arizona, Federal Detention Center.								
Activity: Modernization and Repair of Existing Facilities	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Para. Pos.	NY Amount	Para. Pos.	NY Amount	Para. Pos.	NY Amount	Para. Pos.	NY Amount
Modernization and Repair of Existing Facilities.....	35	\$10,020	35	32 \$6,656	25	\$14,731	-10	-7 \$8,075
This activity provides resources for the rehabilitation, renovation or replacement of structures and utilities systems, and repair projects at existing institutions. Also financed is the \$1.5 million payment for the Oxford, Wisconsin FCI lease/purchase agreement.								
<u>Long-Range Goal:</u> To protect capital investment in facilities, achieve accreditation of all institutions and provide safe, efficient and adequately sized and equipped facilities for the operation of correctional programs within Bureau institutions.								

Major Objectives:

- Repair and renovate facilities as required.
- Meet physical standards for accreditation.
- Monitor use of space through space studies and improve facilities as required.
- Make all facilities energy efficient in accordance with Department of Energy Life Cycle Costing method.
- Comply with all pollution control requirements.
- Provide all physical requirements of the Architectural Barriers Act.
- Comply with all requirements of the National Fire Protection Association, 101 Life Safety Code as it pertains to penal facilities.
- Comply with all requirements of the Joint Commission for Accreditation of Hospitals.
- Comply with all applicable requirements of the Occupational Safety and Health Administration.

Renovate United States Penitentiary, Leavenworth, Kansas.

Base Program Description: The Chief Executive Officer of each Bureau Institution initiates a modernization and repair program towards achievement of the Bureau's long range goals and major objectives. He is assisted by regional office facilities staff who perform space utilization studies at each institution on a 2-year cycle. These studies involve examining all space in each institution, measuring its use, and developing an overall space utilization and renovation plan.

Currently, most work objectives are accomplished using inmate labor crews supervised by Bureau staff. In the past, many of the larger projects were accomplished through contracts with local construction firms which allowed for faster completion of the work with minimal supervision. Using inmate crews to do nearly all of the work requires considerably more time and staff supervision but is cost effective. However, some projects requiring special skills or equipment are contracted with local construction firms.

Program activity is identified by two specific categories of projects: Major line item projects (projects valued over \$100,000) for which funds are specifically requested by project in appropriations requests; and repair and improvement projects (projects valued at \$4,000 to \$100,000). The repair and improvement projects address immediate needs resulting from emergencies and correctional program changes as well as some ongoing requirements, and are considered the base requirements for this activity. All projects are closely monitored by the regional facilities staff for quality and timeliness of completion.

Coordination with regulatory agencies is required for pollution abatement and energy allocation programs. The Environmental Protection Agency is consulted for guidance in the design of sewage treatment plants, acceptable fuels for heating and cooling, disposal of farm wastes and other pollutants. The Department of Energy is consulted with regard to availability and allocation of energy sources. Coordination with the General Services Administration is required for the procurement of certain materials and equipment. Repairs and improvements to buildings and facilities are accomplished within the Bureau of Prisons in accordance with existing occupational safety and building legislation.

Accomplishments and Workload: Accomplishments of the Modernization and Repair program are presented in the following tabular and narrative materials:

Item	1979	1980	Estimates	
			1981	1982
New repair and improvement projects established....	230	230	300	300
New line item projects established.....	52	...	7	21
Projects completed and closed.....	208	240	240	245
Projects active.....	496	486	485	450

Approximately 200-240 modernization and repair projects are completed annually. Illustrative of the types of projects are:

Project	Amount
Rehabilitate Kitchen & Dining Area - Danbury	\$200,000
Upgrade Electrical Service - Lewisburg	850,000
Install Sewage Lift Station - Allen	240,000
Replace Water Main - Englewood	150,000
Install New Phone System - Allentown	70,000
Hospital Renovation - La Tuna	20,000
Install Fire Alarm Equipment - La Tuna	51,500
Redesign Waterways - Hobartown	55,000
Repair Water Softener - Englewood	8,000
Replace Boiler Control - Englewood	2,400

Over the past 2-1/2 years approximately \$4,000,000 was obligated throughout the Bureau for projects to bring housing units into compliance with certain provisions of the NFPA 101 Life Safety Code and requirements set by the Bureau of Prisons. These projects include installation of proper exits, emergency lights, smoke detection systems, standpipes and hose cabinets, and removal of combustible building materials. This represents the initial phase of bringing the institutions within all requirements of the 101 Life Safety Code.

Energy conservation is an ever increasing program requiring a large investment of staff and funds. Engineering surveys have been performed by Bureau staff at approximately 80% of the institutions to identify where and in what quantities energy is being used. In-depth studies have been completed at 13 institutions to identify and cost out retrofit projects to reduce energy consumption. Approximately \$500,000 in 1980 was expended to accomplish retrofit projects having very quick payback, e.g., roof insulation, steamline insulation, lighting changes and load demand controllers. In 1981, \$400,000 will be used to complete in-depth engineering studies at 15 more institutions and to perform engineering design of major retrofit projects such as power plant fuel conversion and heating, ventilating and air conditioning renovation.

In 1980 no funding was approved for new major line item projects. This action compelled the Bureau to re-evaluate its line item requirements to assess the current validity of project priority assignments and to determine the number of projects that could be undertaken within available resources using inmate labor to the maximum extent possible. Regional and central office managers completed a careful review of the Bureau's requirements and developed a revised listing of line item projects. Eight 1979 line item projects of lower priority were deleted and 19 higher priority projects were added.

Program Changes: Decreases of 10 positions and 7 workyears from the base program are reflected to more closely align employment with actual experience. Increased funding in the amount of \$8,075,000 is requested to undertake important energy conservation projects (\$2,125,000); initiate the Congressionally-mandated conversion of the Leavenworth Penitentiary (\$1,700,000); and undertake or complete essential utilities rehabilitation (5 projects, \$1,215,000) and improvements to existing structures (8 projects \$3,035,000). Following is a list of the requested projects:

<u>Institution</u>	<u>Project</u>	<u>Amount</u>
Alderson	Convert oil fired boiler to coal...	\$105
Fallahesssee	Rehabilitate powerhouse.....	1,260
El Reno	Boiler heat recapture.....	225
Lewisburg	Rehabilitate power plant boilers, Ph 2 of 2.....	190
Leavenworth	Install steam absorption chiller...	165
Texarkana	Replace r.o/f's and add insulation	180
Leavenworth	Cellhouse conversion, Ph 1 of 3,....	1,500
Leavenworth	Building repairs.....	200
Lexington	Upgrade sewage plant, Ph 2 of 2 (Ph 1 - FY 81).....	350
Ashland	Rehabilitate domestic water and fire lines.....	250
Lewisburg	Replace steam distribution.....	315
Danbury	Replace plumbing.....	150
Leavenworth	Replace fire water main.....	150
Lompoc	Construct receiving warehouse.....	270
Lompoc	Install electric locking system in "J" housing unit.....	255
Alderson	Renovate housing units (phase 2 of 4).....	200
El Reno	Improve perimeter security.....	450
Eglin	Construct inmate service building (phase 2 of 2).....	585
Petersburg	Construct medical facility (clinic)	380
El Reno	Renovate housing (phase 3 of 3)....	495
Lompoc	Rehabilitate food service (phase 2 of 3).....	400
TOTAL.....		\$8,075

Federal Prison System
Buildings and Facilities
Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)

Project	Inmate Capacity	Budget Request or Appropriation		Total Current Construction Estimate or Actual	Total Funding	Oblig. To Date	Current Status 1/ Stage of Progress	Expected Completion Date	Estimated Activation Date	
		Planning and Site Acq., Fiscal Year	Amount							Construction Fiscal Year	Amount
Under construction or fully funded:										
Ottaville, N.Y., FCI w/camp	543	1975	1,500	1977	21,700	23,200	22,4	Completed	May 1980	
Ray Brook, N.Y., FCI	493	...	...	1977	22,000	22,000	21,808	Completed	Aug. 1980
Tucson, Arizona FDC	200	...	...	1977	7,100 ^{2/}	7,100	421	Construction on schedule. Project 15% complete.	Nov. 1981
Danbury, Connecticut FCI	98	...	...	1978	1,000	1,000	288	Structural steel complete. Roofing in progress.	June 1981
Le Tuna, Texas FCI	60	...	...	1979	1,500	1,500	900	To be bid 9/80.	Dec. 1981
Sandstone, Minnesota FCI	95	1979	1,225	1,225	1,110	486	Construction in progress.	Aug. 1981
Boron, California, FPC	100	...	...	1980	676 ^{3/}	676	0	Design in progress	Oct. 1981
									(Food Service only)	

1/ Figures as of September 30, 1980.

2/ Includes an increase of \$4.4 million reprogrammed from unobligated balances, approved June, 1980.

3/ Includes an increase of \$176,000 reprogrammed from unobligated balances, approved June, 1980.

Federal Prison System
Buildings and Facilities
Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Work- years	Amount
<u>Uncontrollable Increases:</u>		
1. Within-grade increases..... The request provides for a portion of the expected \$6,000 within-grade salary cost increase. The balance of costs will be absorbed.	...	\$1
2. Travel Costs - airfare increases..... Although airlines fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$4,000.	...	4
3. General pricing level adjustment..... This request applies the OMB pricing guidance as of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the FY 1982 estimates.	...	691
Total, uncontrollable increases.....	...	696
<u>Decreases (Automatic non-policy):</u>		
1. Non-recurring costs for rehabilitation of utilities systems requested and approved for 1981.....	...	-535
2. Non-recurring costs for and rehabilitation and renovation of existing structures requested and approved for 1981.....	...	-3,525
Total, decreases.....	...	-4,060
Total, adjustments to base and built-in changes.....	...	-3,364

Federal Prison System
Buildings and Facilities
Financial Analysis - Program Increases
(Dollars in thousands)

Item	Modernization and Repair of Existing Facilities	
	Amount	
Travel and transportation of persons.....	\$20	
Transportation of things.....	13	
Printing and reproduction.....	1	
Other services.....	2,217	
Supplies and materials.....	5,569	
Equipment.....	255	
Total increases, 1982.....	8,075	

Federal Prison System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS/OA-14, \$37,871-\$49,229.....	1		1		...	
GS/OA-13, \$32,048-\$41,660.....	2		2		...	
GS-12, \$26,951-\$35,033.....	9		9		...	
GS-11, \$22,486-\$29,236.....	1		1		...	
GS-10, \$20,467-\$26,605.....	4		4		...	
GS-9, \$18,545-\$24,165.....	...		...		...
GS-8, \$16,826-\$21,875.....	1		1		...	
GS-7, \$15,193-\$19,747.....	1		1		...	
GS-6, \$13,672-\$17,776.....	1		1		...	
GS-5, \$12,266-\$15,947.....	1		1		...	
GS-4, \$10,963-\$14,248.....	...		...		...
Ungraded positions.....	15		5		-10	
Total, appropriated positions.....	35	\$763	25	\$642	-10	\$121
Pay above stated annual rates.....	...	6	...	3	...	-3
Leaves.....	3	-76	...	-16	...	60
Net permanent.....	32	893	25	829	-7	-64

Federal Prison System
Buildings and Facilities
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1981 Estimate Workyears	1981 Estimate Amount	1982 Estimate Workyears	1982 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Permanent positions.....	32	\$693	25	\$629	-7	\$64
11.5 Other personnel compensation.....	1	17	1	14	..	-3
Total, workyears and personnel compensation.....	33	710	26	643	-7	-67
12 Personnel benefits.....	91	81				-10
21 Travel and transportation of persons.....	58	54				-4
21.1 Transportation of inmates.....	41	35				-6
21.2 Communications, utilities & other rent.....	1,731	1,946				215
24 Printing and reproduction.....	10	4				-6
25 Other services.....	11,861	6,014				-5
26 Supplies and materials.....	7,881	8,393				512
31 Equipment.....	621	698				77
Total obligations.....	22,604	17,868				-4,736
Unobligated balance, start-of-year.....		-40,737		-7,853		
Unobligated balance, transferred to other accounts.....		19,800				
Unobligated balance, end-of-year.....		7,853		4,716		
Total requirements.....		10,080		14,731		
Relation of obligations to outlays:						
Obligations incurred, net.....		22,604		17,868		
Obligated balance, start-of-year.....		7,913		11,985		
Obligated balance, end-of-year.....		-11,985		-14,799		
Outlays.....		18,552		15,054		

Department of Justice
Federal Prison System
Federal Prison Industries, Incorporated
Estimates for Fiscal Year 1982
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Federal Prison System
Federal Prison Industries, Incorporated
Summary Statement
Fiscal Year 1982

Federal Prison Industries, Incorporated was created by Congress in 1934 and is a wholly owned Government corporation. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks (18 U.S.C. 4121-4128). Supervision is provided by the Director of the Bureau of Prisons who has jurisdiction over all Federal penal and correctional institutions. Profits from the Corporation's industrial activities are used to fund activities which benefit inmates by providing vocational training and for compensating inmates performing outstanding services in institutional operations. Central office administration expenses and vocational training funds are subject to Congressional limitation. For 1982, a total of 843 permanent positions and 782 workyears are requested, decreases of 65 and 41, respectively, from those authorized in 1981.

Administrative expenses - A board of six directors, appointed by the President and serving without compensation, controls the policies of the Corporation. General management of the Corporation is presently performed by a staff of 39 employees located in Washington, D.C. Expenses of this function are subject to Congressional limitation. Additional resources are requested to improve management of the corporation.

Vocational training expenses - The vocational training expenses limitation provides funds for active educational and vocational training programs that are designed to prepare residents for productive and meaningful employment upon release. Expenses of this function are subject to Congressional limitation.

Industrial manufacturing programs - Approximately 6,000 inmates in 38 locations are employed in the manufacture of such items as furniture, clothing, shoes, electronics, metal and canvas products. They also work in service industries such as furniture refinishing, tire recapping and data processing. All products of the Corporation are sold to Federal agencies, the Department of Defense, the Postal Service, and the General Service Administration, the largest customers.

For 1982, a net decrease of 65 positions is reflected. A decrease of seventy-seven positions is associated with the closing of the Atlanta, Georgia penitentiary. This is partially offset by an increase of 12 positions requested to improve product quality assurance at several locations and permit the continued implementation of an automated management information system.

Federal Prison System
Federal Prison Industries, Incorporated
Justification of Proposed Changes in Appropriation Language

The 1962 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchases of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES
 FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed [\$2,091,000] of the funds of the corporation shall be available for its administrative expenses, and not to exceed [\$7,600,000] for the expenses of vocational training of prisoners, both amounts to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

\$2,264,000
 \$2,701,000

No substantive changes proposed.

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Requirements
(Dollars in thousands)

Perm. Work-
Pos. Years Amount

Summary of adjustments to base and built-in changes:

1981 as enacted.....	908	823	\$127,380
Uncontrollable increases.....	---	---	7,251
1982 Base.....	908	823	134,631

	1980 Actual			1981 Estimated Obligations			1982 Base			1982 Estimate			Increase/Decrease		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
<u>Estimates by budget activity</u>															
1. Administrative expenses.....	39	35	\$1,709	39	35	\$2,091	39	35	\$2,179	42	38	\$2,264	3	3	\$85
2. Vocational training expenses.....	107	96	2,761	97	78	2,645	97	78	2,701	97	84	2,701	---	6	---
Subtotal, funds subject to congressional limitations.....	146	131	4,470	136	113	4,736	136	113	4,880	139	122	4,965	3	9	85
3. Cost of production.....	786	707	107,914	772	710	111,933	772	710	118,429	704	660	117,095	-68	-50	-1,334
4. Other expenses.....	---	---	5,852	---	---	6,335	---	---	6,616	---	---	6,616	---	---	---
5. Buildings and improvements.....	---	---	2,602	---	---	2,662	---	---	2,807	---	---	2,807	---	---	---
5. Machinery and equipment.....	---	---	1,624	---	---	1,714	---	---	1,899	---	---	1,907	---	---	8
Total.....	932	838	122,462	908	823	127,380	908	823	134,631	843	782	133,390	-65	-41	-1,241

Federal Prison System
Federal Prison Industries, Incorporated
Justification of Program and Performance
Activity Resource Summary

Activity: Federal Prison Industries, Inc.	1981 Estimated Obligations		1982 Base		1982 Estimate		Increase/Decrease	
	Per. Pos.	NY Amount	Per. Pos.	NY Amount	Per. Pos.	NY Amount	Per. Pos.	NY Amount
Administrative Expenses.....	39	35	39	35	42	38	3	3
Vocational Training Expenses.....	97	78	97	78	97	84	13	6
Industrial Operations:								
Cost of Production.....	772	710	772	710	704	660	68	-50
Other Expenses.....	...	6,335	...	...	...	...	...	...
Buildings and Improvements.....	...	4,662	...	...	...	...	...	...
Machinery and Equipment.....	...	1,711	...	...	...	...	...	...
Total.....	908	823	908	823	845	782	63	-41

Federal Prison Industries, Incorporated, was created by Congress in 1934 and is a wholly owned Government Corporation. Its mission is to employ and train Federal inmates through diversified programs providing products and services to other Federal agencies. These operations are conducted in such a manner as to offer a stimulus of competition to private industry and labor. Employment provides inmates with work, occupational knowledge and training and experience. New industries which will utilize skills in demand in the labor market are developed, where possible, to replace industries providing less valuable training.

Long Range Goal: Employ all inmates available for work, in Industries, providing them with work knowledge and skills and with training and apprenticeship programs to develop entry level skills.

Major Objectives:

Operate 77 industrial factories and shops with inmate labor.

Provide on-the-job training to 6,000 inmates in all industrial factories in FY 1982.

Provide classroom-type industrial training in electronics, computer programming, and in all production training units.

Provide apprenticeship programs for acquiring trade skills, such as printing trades, metal working and tool making.

Sell products and services to other Federal agencies at a profit.

Transfer funds to the Bureau of Prisons to support inmate performance pay.

Continue transfer of FPI - funded vocational training positions to Salaries and Expenses.

Relocate Atlanta factory operations.

Implement an automated management information system by 1985.

Improve the Quality Assurance Program by placing quality control positions in all institutions with major industrial operations.

Base Program Description: Federal Prison Industries, Inc., is entirely self-sustaining. No appropriations are required. Revenues are derived entirely from the sale of products and services to other Federal agencies. Operating expenses are applied against these revenues, resulting in operating income or loss.

Institution factories and shops are operated by cadres of civilian supervisors and managers, training and overseeing the work of inmates. The factories utilize raw materials to produce finished goods which are shipped to Government customers primarily the Department of Defense, the Postal Service and the General Service Administration. Institution factories manufacture such items as furniture, clothing, shoes, electronics, metal and canvas products; and provide such services as data processing, furniture refinishing, and tire recapping. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. Prices are usually established in negotiation with customer agencies at or near top, but not exceeding, current market prices. A portion of the profits realized by these operations are reinvested to improve facilities, purchase new equipment, maintain state-of-the-art capability and provide working capital.

To operate modern factories and shops and produce products that meet most Government specifications with inmates, who for the most part have no previous training experience or skills, requires a significant amount of training. Much of the needed training occurs on-the-job, with civilian supervisors and experienced inmates explaining and demonstrating the work to newly assigned inmates. Where skills require a more formal training such as with computer programs, classroom instruction is provided. Production Training Units, a special type of industry conversion unit, are used for training inmates in the production of both civilian and on-the-job training to offer inmates an effective method of skill development. Also, registered programs of apprenticeship are in operation and approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and local unions.

As a manufacturing concern, the Corporation makes capital investments in buildings/improvements, machinery and equipment as necessary in the conduct of its industrial production. Federal Prison Industries currently funds part of the vocational training program within the Bureau of Prisons. The funding of this program is in the process of being transferred to the Salaries and Expenses appropriation.

Other expenses charged to the industrial manufacturing program include inmate accident compensation and Meritorious Service Awards (MSA) to inmates.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Prison Industries, Inc. are presented in the following table:

Item	Estimates		
	1979	1980	1981
Average inmate employment.....	5,991	6,100	6,200
New facilities established.....	4	1	2
Sales.....	\$114,574,000	\$102,762,000	\$104,000,000
Industrial earnings.....	11,532,000	10,840,000	12,000,000
Use of earnings:			
Vocational training.....	2,892,000	2,761,000	2,645,000
MSA (performance awards, pay).....	2,966,000	2,989,000	2,990,000
Accident compensation.....	104,000	174,000	180,000
Retained earnings.....	5,535,000	6,630,000	6,500,000
Number of shops/factories.....	78	78	76

During 1980, an average of 5,991 inmates were employed at 38 institutions in 78 factories.

The transfer of vocational training positions to Salaries and Expenses began in 1975. Prior to this there were 270 positions funded by FPI. Through 1980, 163 positions have been transferred leaving a balance of 107 positions still funded by FPI. In 1981, 10 additional positions are scheduled to be transferred. This transfer reduces the vocational training program's dependency on FPI profitability and places the responsibility for this training in one program to ensure consistency in planning and administration.

Because the inmate population at an institution fluctuates, the number of inmates available for industrial work fluctuates. Our industry programs must remain flexible to accommodate these variables in the work force. During 1980, all inmates who worked industrial work were employed.

Program Changes: A decrease of 77 positions which results from the phase out of industrial operations at the Atlanta, Georgia, Penitentiary, is partially offset by a requested increase of 12 positions in 1982. The Corporation's review of customer complaints verifies the existence of product deficiencies at several factories. Seven quality assurance positions are requested to be located at seven institution factories where the deficiencies have been identified, to implement and oversee a rigorous program of quality control. Two positions are requested to assist in the program of converting from a manual to an automated management information system. Three administrative positions are requested for the central office to help upgrade the marketing and design programs and to strengthen the internal audit program.

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Adjustments to Base and Built-in Charges
(Dollars in thousands)

	Base Pos.	Work- Years	Amount
1981 appropriation anticipated.....	908	823	\$127,380
Adjustments to base and built-in charges:			
Uncontrollable increases:			
Within-grade increases.....	...	...	133
Wage-board salary increases.....	...	...	297
Health benefits costs.....	...	...	61
Federal Employees Compensation Act (FECA).....	...	...	55
Standard Level User Charges.....	...	...	5
GSA Recurring Reimbursable Services.....	...	...	12
Federal Telecommunications System (FIS).....	...	...	6
Travel costs - airfare increases.....	...	...	18
Departmental printing and reproduction costs.....	...	...	19
General Pricing Level Adjustment.....	...	...	6,545
Total, uncontrollable increases.....	...	...	7,237
1982 Base.....	908	823	134,617

Federal Prison System
Federal Prison Industries, Incorporated
Adjustments to Base and Built-in Charges
(Dollars in thousands)

	<u>Work- years</u>	<u>Amount</u>
<u>Uncontrollable increases:</u>		
1. <u>Within-grade increases:</u>		
This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base compensation and related benefits for permanent positions. (Personnel compensation \$120,000 and benefits \$15,000 = \$135,000).	...	\$133
2. <u>Wage-board salary increases:</u>		
The increase of \$397,000 will provide for an average hourly increase of 4.5¢ for 421 employees paid in accordance with prevailing wage rates.	...	397
3. <u>Health benefits costs:</u>		
The Federal Employees Health Benefits Act (P.L. 246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on Government costs. The requested increase of \$61,000 provides for payment of the average rate percent over the \$691,935 now available.	...	61
4. <u>Federal Employees Compensation Act (FECA):</u>		
The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 billing will be \$55,000.	...	55
5. <u>Standard Level User Charges:</u>		
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. The increase of \$5,000 is required to pay for space occupied at the end of FY 1981.	...	5
6. <u>GSA Recurring Releasable Services:</u>		
The General Services Administration provides additional heating, air conditioning and guard services over normal requirements on a releasable basis. The requested increase of \$12,000 will provide the same level of service in 1982 as in 1981.	...	12
7. <u>Federal Telecommunications System (FTS):</u>		
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$6,000.	...	6

Work- years	Amount
...	18
Uncontrollable Increases:	
8. Travel costs - airfare increases.....	
Although airline fares are subject to less regulation as a result of the Deregulation Act, and the regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$10,000 over the base of \$51,430.	
9. Departmental Printing and Reproduction Costs.....	19
Departmental printing costs are expected to increase by nine percent in FY 1982. This results in an uncontrollable increase of \$5,000 over the base of \$11,000.	
10. General Pricing Level Adjustment.....	6,545
This request applies the OMB pricing guidance of August 1980 to selected expenses. The increased costs identified result from applying a factor of 8.3 percent against those subject to regulation. Generally, the Government pays for the equipment, maintenance, and other expenses in the private sector, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1982 estimates.	
Total uncontrollable increases.....	7,251

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-4, \$50,112 - 50,112.....	2		2		..	
GS/GM-15, \$44,547 - 50,112.....	9		8		-1	
GS/GM-14, \$37,871 - 49,229.....	14		14		..	
GS/GM-13, \$32,048 - 41,660.....	34		31		-3	
GS-12, \$26,951 - 35,033.....	65		62		-3	
GS-11, \$22,486 - 29,236.....	125		128		3	
GS-10, \$20,467 - 26,605.....	21		21		..	
GS-9, \$18,365 - 24,165.....	96		95		-1	
GS-8, \$16,826 - 21,875.....	27		27		..	
GS-7, \$15,193 - 19,747.....	36		36		..	
GS-6, \$13,677 - 17,776.....	18		17		-1	
GS-5, \$12,266 - 15,947.....	29		29		..	
GS-4, \$10,963 - 14,248.....	7		7		..	
GS-3, \$9,766 - 12,700.....	3		3		..	
GS-2, \$8,951 - 11,265.....	1		1		..	
Ungraded positions.....	421		362		-59	
Total, appropriated positions.....	908	\$21,906	843	\$20,505	-65	-\$1,401
Pay above stated annual rates.....	..	161	..	..	..	-161
Leaves.....	..	-4,937	..	-4,096	..	841
Net permanent.....	823	17,130	781	16,407	-41	-723

Federal Prison System
Federal Prison Industries, Incorporated, Prison Industries Fund
Summary of Requirements by Grade and Object Class (cont.)
 (Dollars in thousands)

Object Class	1981 Estimate Millions	Amount	1982 Estimate Millions	Amount	Increase/Decrease Millions	Amount
11.1 Permanent positions.....	823	\$17,130	782	\$16,407	-41	-\$723
11.3 Positions other than permanent.....	...	41	...	35	...	14
11.5 Other personnel compensation.....	...	661	...	661	...	...
11.8 Special personnel services payments.....	...	11,737	...	11,737	...	...
Total, workyears and personnel compensation.....	825	29,569	784	28,880	-41	709
12 Personnel benefits.....		2,767		2,819		52
13 Benefits for former personnel.....		49		49		...
21 Travel and transportation of persons.....		352		391		39
22 Transportation of things.....		742		903		161
23.1 Standard level user charges.....		...		5		5
23.2 Communications, utilities, and other rent.....		12,792		13,027		235
24 Printing and reproduction.....		164		166		2
25 Other services.....		3,448		3,685		237
26 Supplies and materials.....		68,365		73,786		5,421
31 Equipment.....		1,714		1,907		193
32 Land, and structures.....		2,642		2,807		165
93 Administrative expenses (see separate schedule). Vocational training expenses (see separate schedule).....		2,091		2,264		173
		2,645		2,701		56
Total obligations.....		127,380		133,390		6,010
Unobligated balance, start-of-year.....		-60,971		-60,971		...
Unobligated balance, end-of-year.....		60,971		60,971		...
Total requirements.....		...		...		...
Relation of obligations to outlays:						
Obligations, net.....		...		...		...
Receivables in excess of obligations, start-of-year.....		-48,631		-48,631		...
Receivables in excess of obligations, end-of-year.....		48,631		48,631		...
Outlays.....		...		...		...

Federal Prison System
Federal Prison Industries, Incorporated, Administrative Expenses
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1981 Estimate Workyears	1981 Estimate Amount	1982 Estimate Workyears	1982 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Permanent positions.....	35	\$1,019	38	\$1,075	3	\$56
11.3 Positions other than permanent.....	..	19	..	19	..	..
11.5 Other personnel compensation.....	1	7	..	7	..	..
Total, workyears and personnel compensation...	36	1,045	39	1,101	3	56
12 Personnel benefits.....		110		129		19
21 Travel and transportation of persons.....		109		126		17
22 Transportation of things.....		23		32		9
23.1 Standard level user charges.....		15		17		..
23.2 Communications, utilities, and other rent.....		107		118		11
24 Printing and reproduction.....		627		678		51
25 Other services.....		20		24		4
26 Supplies and materials.....		..		..		..
93 Administrative expenses included in schedule for funds as a whole.....		-2,091		-2,264		-173
Total requirements.....		..		..		..

Federal Prison System
Federal Prison Industries, Incorporated, Vocational Training Expenses
Summary of Requirements by Grade and Object Class (cont.)
(Dollars in thousands)

Object Class	1981 Estimate Workyears	1981 Estimate Amount	1982 Estimate Workyears	1982 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Permanent positions.....	78	\$1,908	84	\$1,919	6	\$11
11.3 Positions other than permanent.....	...	2	...	2	...	...
11.5 Other personnel compensation.....	...	12	...	12	...	...
11.6 Special personnel services payment.....	...	9	...	9	...	...
Total, workyears and personnel compensation.	78	1,931	84	1,942	6	11
12 Personnel benefits.....		210		216		6
21 Travel and transportation of persons.....		35		38		3
22 Transportation of things.....		17		18		1
23.1 Standard level user charges.....		8		8		...
23.2 Communications, utilities, and other rent.....		95		102		7
24 Printing and reproduction.....		48		50		2
25 Other services.....		138		148		10
26 Supplies and materials.....		163		179		16
93 Vocational training expenses included in schedule for funds as a whole.....		-2,645		-2,701		-56
Total requirements.....		...		...		...

Federal Prison System
Salaries and expenses
Crosswalk of 1981 Changes
(dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation on 1981 Request		Reprogramming		1981 Pay Supp.		Add'l. Reprogr.		Policy Reductions		Appropriation Anticipated	
	Pos.	Act.	Pos.	Act.	Pos.	Act.	Pos.	Act.	Pos.	Act.	Pos.	Act.	Pos.	Act.
1. Inmate Care and Custody:														
Food and farm services.....	457	437,429,457	-6	-5	-5	-5,355	...	...	898	876	...	...	451	442,529,222
Medical services.....	610	591,26,641	-7	-5	-3	-243	...	...	2,089	143	...	...	626	609,29,071
Other inmate services.....	136	131,5,197	-2	-2	-2	-121	...	...	...	19	...	...	129	124,5,317
Contract confinement in state and local institutions.....	...	11,230	...	...	...	...	...	...	-1,700	-1,500	...	...	...	8,030
Institution security.....	3,736	3,612,73,371	-30	-26	-529	...	...	...	5,646	2,491	-3	...	3,706	3,564,81,317
Unit management.....	1,228	1,187,30,860	-10	-6	-361	...	...	...	1,844	157	-1	...	1,198	1,155,31,947
Subtotal.....	6,167	5,958,177,376	-55	-43	-1,729	...	...	...	8,104	1,706	-30	...	6,110	5,894,184,904
2. Inmate Programs:														
General and occupational education.....	393	379,13,036	-5	-4	-262	...	...	...	...	...	...	...	364	300,10,600
Leisure program.....	116	110,3,803	-2	-1	-103	...	...	...	228	-12	...	...	123	119,4,009
Religious program.....	63	64,2,345	-1	-1	-32	...	...	...	192	-168	...	...	62	64,2,597
Psychology program.....	115	124,3,788	-1	-1	-28	...	...	...	289	-571	...	...	102	111,3,163
Subtotal.....	687	677,22,972	-9	-7	-425	...	...	...	714	-1,608	...	...	651	594,20,369
3. Institution Administration and Maintenance:														
Institution administration.....	1,013	1,017,36,894	-19	-19	-772	...	...	...	2,031	3,945	-1	...	1,023	1,023,42,033
Staff training.....	69	66,4,823	-1	-1	-91	...	...	...	153	37	...	...	68	66,5,067
Institution maintenance.....	796	765,43,565	-9	-8	-275	...	...	...	566	-273	...	...	787	758,44,907
Subtotal.....	1,878	1,848,85,282	-29	-28	-1,038	...	...	...	2,750	3,709	...	...	1,878	1,847,92,007
4. Community Corrections:														
Federal community treatment centers and other community programs.....	139	197,5,863	...	...	...	...	...	...	380	-636	...	...	133	195,5,607
Contract community treatment centers.....	139	197,5,140	...	...	...	...	...	...	380	-1,970	...	...	133	195,19,577
Subtotal.....	278	394,10,003	...	...	...	...	...	...	760	-2,606	...	...	266	390,25,184

Crosswalk of 1981 Changes (cont.)
(Dollars in thousands)

Activity/Program	1981 President's Budget Request		Congressional Appropriation 1981 Request		Reprogramming		1981 Pay Supp.		Add'l Reprog.		Policy Reductions		1981 Appropriation Anticipated	
	Pos.	Net	Pos.	Net	Pos.	Net	Pos.	Net	Pos.	Net	Pos.	Net	Pos.	Net
5. Program Directors:														
Executive direction and														
control.....	218	228	\$8,599	...	...	...	...	...	\$538	\$332	...	...	215	214
Administrative services.....	164	201	10,823	...	...	...	...	...	191	-1,191	...	...	173	202
Subtotal.....	382	429	19,422	...	...	...	...	...	729	-859	...	...	388	416
Total.....	9,253	9,109	338,192	-93	-80	-3,792	...	...	-50	11,939	...	-33	-\$4,385	9,160
													8,946	341,954

Explanation of Analysis of Changes from 1981 Appropriation Request

Congressional action

Congressional action provided for a reduction of \$3,792,000 and 93 positions primarily due to the cancellation of the proposed Federal Prison Camp, Modera, California.

Reprogramming

In August 1980 the Federal Prison System concluded its comprehensive financial planning for 1981. This review revealed the need to accomplish certain reprogramming action within established thresholds from the decision unit and budget activity estimates for 1981 as adjusted for Congressional action.

Supplemental Requested

The pay raise (Executive Order 12248, October 5, 1980 as modified by P.L. 96-369, Continuing Appropriations, 1981.

Additional Reprogramming

This request provides for the cost of housing approximately 1,700 Cuban refugees in the Federal Prison System, who are awaiting deportation or hearings by the Immigration and Naturalization Service to determine whether the refugees will remain in this country or be deported. The request reprograms funds to operate the McNeil Island Penitentiary. In addition, the request includes funds for the United States Penitentiary at Atlanta, Georgia revising its scheduled phase-down. The remaining amounts reprogrammed will fund other costs systemwide directly a result of housing the Cubans.

Policy Reductions

The amounts reflect the new administration reductions necessary to reduce employment and curb spending.

Federal Prison System
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Per. Pos.	NY Amount		Per. Pos.	NY Amount		Per. Pos.	NY Amount		Per. Pos.	NY Amount		Per. Pos.	NY Amount		Per. Pos.	NY Amount	
Inmate Care and Custody:																		
Food and fare services.....	462	444	\$26,734	462	449	\$26,835	451	442	\$29,222	451	442	\$31,367	380	420	\$30,865	-71	-22	-\$502
Medical services.....	549	538	24,595	572	580	24,650	626	609	29,071	626	620	30,507	602	624	30,929	-24	4	372
Other inmate services.....	138	131	5,180	133	109	5,260	129	124	5,317	129	124	5,640	129	124	5,712	...	...	72
Contract confinement in state and local institutions.....	...	8,324	...	...	7,574	...	...	8,030	...	...	11,230	...	...	9,730	...	...	...	-1,500
Institution security.....	3,839	3,655	70,238	3,839	3,638	70,907	3,706	3,564	81,317	3,706	3,546	79,884	3,692	3,541	79,902	-14	-5	18
Unit management.....	1,234	1,180	30,610	1,214	1,165	30,500	1,198	1,155	31,542	1,198	1,152	32,687	1,162	1,124	32,102	-36	-28	-585
Subtotal.....	6,727	5,982	166,281	6,720	5,981	165,776	6,110	5,896	184,598	6,110	5,886	191,315	5,965	5,837	189,180	-145	-51	-2,775
Inmate Programs:																		
General and occupational education.....	368	350	9,612	344	276	9,374	364	300	10,600	364	350	11,933	326	318	11,534	-38	-32	-399
Leisure program.....	111	105	3,639	120	105	3,614	123	119	4,009	123	119	4,171	117	114	4,018	-6	-5	-153
Religious program.....	61	62	2,276	61	62	2,307	62	64	2,597	62	64	2,824	62	64	2,880	...	...	56
Psychology program.....	115	125	3,576	103	106	3,422	102	111	3,163	102	111	3,794	93	103	3,568	-9	-8	-226
Subtotal.....	655	642	19,103	628	549	16,717	651	594	20,369	651	634	22,722	598	599	22,000	-53	-45	-722
Institution Administration and Maintenance:																		
Institution administration.....	1,030	1,022	37,005	1,059	1,013	36,458	1,023	1,021	42,033	1,023	1,020	39,857	1,023	1,021	40,263	...	1	406
Staff training.....	68	66	4,651	68	69	4,370	68	66	5,067	68	66	4,746	62	61	4,586	-6	-5	99
Institution maintenance.....	817	778	49,117	817	775	49,222	787	758	44,707	787	758	47,463	784	758	48,131	-3	-26	-154
Subtotal.....	1,915	1,866	85,773	1,944	1,857	84,750	1,878	1,847	92,007	1,878	1,844	92,087	1,869	1,840	93,149	-9	-4	-422
Community Corrections:																		
Federal community treatment centers and other community programs.....	139	197	5,727	133	192	5,597	133	195	5,607	133	195	6,327	102	185	4,693	-31	-10	-1,634
Contract community treatment centers.....	179	197	20,877	133	192	19,794	133	195	19,577	133	195	27,534	102	185	27,004	-31	-10	-530
Subtotal.....	318	394	26,604	266	384	25,391	266	390	25,184	266	390	33,861	204	270	31,697	-62	-20	-2,768

Summary of Resources by Program (cont.)
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount	Perm. Pos.	NY Amount	NY Amount
Program Direction																		
Executive direction and control.....	218	228	\$8,489	215	256	\$8,489	215	214	\$9,039	215	214	\$8,957	215	214	\$8,957	...	...	...
Administrative services...	144	203	10,750	173	198	10,424	173	202	10,451	173	202	12,239	173	202	12,239	...	...	...
Subtotal.....	362	431	19,239	388	454	18,913	388	416	19,490	388	416	21,196	388	416	21,196	...	...	...
Total.....	9,313	9,080	317,400	9,313	8,993	313,547	9,160	8,946	341,954	9,160	8,983	342,381	8,922	8,873	358,282	-238	-110	-4,099
Other Workyears:																		
Holiday.....	147				167			159			159			159		...	...	...
Overtime.....	134				131			141			141			141		...	...	...
Total compensable workyears.....	9,361				9,291			8,946			8,983			8,873		-110		

Federal Prison System

Salaries and expense

Summary of Requirements
(Dollars in thousands)

Summary of Requirements

Summary of adjustments to base and built-in changes:

[illegible]

Federal Prison System
Salaries and expenses
Summary of Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Per- Feds.	Work- Years	Amount
1981 as enacted.....	9,160	9,029	\$334,400
Pay increase supplemental requested:			Amount
Increased pay costs.....			\$17,141
Savings resulting from employment reductions.....			-895
Costs associated with reimbursable programs.....			-610
Deferral of programs to meet increased pay costs.....			-3,100
Other absorptions.....			-397
Net pay supplemental.....	...	-50	11,999 ^{1/}
Policy Reductions.....	...	-33	-4,385
1981 appropriation anticipated.....	9,160	8,946	341,954
Uncontrollable Increases:			
Annualization of 1981 pay increase.....	...	50	4,269
Annualization of positions approved in 1981.....	...	15	1,318
Within-grade increases.....	...	...	1,793
Step-board salary increases.....	...	...	1,178
Health benefits cost increases.....	...	...	617
Federal Employees Compensation Act (FECA).....	...	...	462
Standard Level User Charges.....	...	...	101
GSA recurring reimbursable services.....	...	...	11
Travel costs - airfare increases.....	...	...	536
Departmental printing and reproduction costs.....	...	...	28
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	28
General pricing level adjustment.....	...	...	18
Non-recurring 1981 policy reductions.....	...	...	9,056
Total, uncontrollable increases.....	...	65	3,720
Decreases:			
Annualization of 1981 decreases.....	...	-28	-530
Non-recurring costs for Federal Telecommunication System (FTS).....	...	...	-160
Total, decreases.....	...	-28	-690
1982 Base.....	9,160	8,943	342,301

^{1/} Includes \$1,250,000 to be derived by transfer from unobligated balances, "Buildings and Facilities".

DEPARTMENT OF JUSTICE
Federal Prison System
Salaries and Expenses
Proposed Amendment, Fiscal Year 1982
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DEPARTMENT OF JUSTICE
Federal Prison System
Salaries and Expenses

Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N17	Salaries and expenses.....	\$364,377,000	-\$6,095,000	\$358,282,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval. This proposed amendment would decrease by \$6,095,000, the amount of authorization required.

Federal Prison System
Salaries and Expenses
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	9,119	9,001	\$364,377
Proposed amendment.....	-197	-128	-6,095
Revised request.....	8,922	8,873	358,282

Explanation of Request

This amendment reflects the implementation of the President's program of 1982 budget reductions. The reductions include the cancellation of the expansion of the Federal Prison Camp, Boron, California; the closure of all farm operations and Federal Community Treatment Centers; the cancellation of planned improvements to the Bureau's property management program; the cancellation of the planned expansion of medical services and unit management programs; and the cancellation of the planned activation and operation of psychiatric unit at the Federal Correctional Institution, Butner, North Carolina and a chronic care unit at the United States Penitentiary, Leavenworth, Kansas. In addition, the request reduces amounts requested for the annualization of 1980 pay cost increases and the general level pricing adjustment.

Federal Prison System

Salaries and Expenses

Summary of Requirements
(Dollars in thousands)

Comparison by Activity	1982 Request		1982 Proposed		1982 Revised	
	Perm.	Amount	Perm.	Amount	Perm.	Amount
	Pos.		Pos.		Pos.	
1. Inmate care and custody services.....	6,108	\$5,928 \$191,662	-143	-\$2,522	5,965	\$189,140
2. Inmate programs.....	605	606 23,055	-7	1,055	598	22,000
3. Institution administration and maintenance..	1,885	1,856 94,506	-16	-757	1,869	93,749
4. Community corrections.....	133	195 33,458	-31	-1,761	102	31,697
5. Program direction.....	388	416 21,696	...	...	388	21,696
Total requirements.....	9,119	9,001 \$364,377	-197	-6,095	8,922	\$358,282

Justification of Requirements (cont.)
(Dollars in thousands)

Item: Common Expenses

This reduces the 1982 estimate for inflationary increases for the purchase, rental, and service of equipment and related supplies. In addition, program reductions result in reduced requirements for the annualization of 1980 pay increase.

	1982 Request Pending Amount	1982 Proposed Amendment Amount	1982 Revised Request Amount
General level pricing adjustment.....	\$8,828	-\$772	\$8,056
Annualization of 1980 pay increase.....	4,970	-701	4,269
			1411

Justification of Requirements
(Dollars in thousands)

	1982 Request		1982 Proposed		1982 Revised	
	Pending		Amendment		Request	
	Perm.	WY	Perm.	WY	Perm.	WY
	Pos.	Amount	Pos.	Amount	Pos.	Amount

Item: Cancel Boron Expansion..... 32 32 \$1,032 -32 -\$1,032

In 1979, Congress authorized \$3.2 million and 120 positions to convert the former U.S. Air Force facilities at Boron, California and Big Spring, Texas to Federal prison camps. Of this amount, \$1.9 million and 60 positions were to provide for partial activation (approximately 9 months operations) of the Boron, California Prison Camp with a population of 100 inmates, and for construction of additional housing to expand the population to 250 inmates. \$607,000 was appropriated in 1980 to allow for 12 months operations.

In 1981, the Bureau planned to increase the population at the Boron Camp to 375 as result of the cancellation of the Camarillo, California Federal Correctional Institution and the scheduled closing of the McNeil Island, Washington United States Penitentiary. The 1981 appropriation included 32 positions, 7 workyears, and \$384,000 to provide services for an average population of 375 inmates at the Boron Camp. The 1982 request includes additional resources amounting to 25 workyears and \$648,000 for the annualization of the 1981 increase.

This request reduces the 1982 estimate by 32 positions, 32 workyears, and \$1,032,000 as a result of the cancellation of the Boron expansion. A stabilized Federal prison population at present makes it possible to cancel the expansion with little impact on Bureau goals and objectives.

Justification of Requirements (cont.)
(Dollars in thousands)

Activity	1982 Request			1982 Proposed			1982 Revised		
	Pending Pos.	WY	Amount	Pending Pos.	WY	Amount	Request Pos.	WY	Amount
Inmate care and custody:									
Food and farm services.....	1	1	\$59	-1	-1	-\$59	...	...	...
Medical services.....	4	4	121	-4	-4	-121	...	...	...
Other inmate services.....	...	...	14	...	...	-14	...	...	...
Institution security.....	11	11	216	-11	-11	-216	...	...	...
Unit management.....	5	5	211	-5	-5	-211	...	...	...
Sub-total.....	21	21	621	-21	-21	-621	...	...	...
Inmate programs:									
General and occupational education.....	2	2	66	-2	-2	-66	...	...	...
Leisure program.....	1	1	30	-1	-1	-30	...	...	...
Psychology program.....	1	1	25	-1	-1	-25	...	...	...
Sub-total.....	4	4	121	-4	-4	-121	...	...	...
Institution administration and maintenance:									
Institution administration.....	3	3	75	-3	-3	-75	...	...	...
Staff training.....	1	1	33	-1	-1	-33	...	...	...
Institution maintenance.....	3	3	182	-3	-3	-182	...	...	...
Sub-total.....	7	7	290	-7	-7	-290	...	...	...
Total Requirements.....	32	32	1,032	-32	-32	-1,032	...	...	...

Justification of Requirements (cont.)
(Dollars in thousands)

Item:	1982 Request			1982 Proposed Amendment			1982 Revised Request		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Cancel Implementation of Property Management Improvements	20	20	\$463	-20	-20	-\$463	...	...	...

The amendment reduces resources recently identified by Bureau officials as available for reprogramming during 1982 to implement improvements in the Bureau's property management system to correct weaknesses detected by the GAO in a recent audit report. This reprogramming action has been cancelled in order to support the Administration's goals to reduce employment.

	1982 Request			1982 Proposed Amendment			1982 Revised Request		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Inmate care and custody:	1	1	\$27	-1	-1	-\$27	...	...	...
Food and farm services.....	3	3	50	-3	-3	-50	...	...	...
Institution security.....	4	4	82	-4	-4	-82	...	...	...
Unit management.....	8	8	159	-8	-8	-159	...	...	...

Subtotal.....	2	2	49	-2	-2	-49	...	...	...
Inmate programs:	1	1	30	-1	-1	-30	...	...	...
General and occupational education.....	3	3	79	-3	-3	-79	...	...	...
Psychology program.....	6	6	148	-6	-6	-148	...	...	...

Subtotal.....	1	1	21	-1	-1	-21	...	...	...
Institution administration and maintenance:	2	2	56	-2	-2	-56	...	...	...
Institution administration.....	9	9	225	-9	-9	-225	...	...	...
Staff training.....	20	20	463	-20	-20	-463	...	...	...
Institution maintenance.....	20	20	463	-20	-20	-463	...	...	...

Subtotal.....	20	20	463	-20	-20	-463	...	...	...
Total Requirement.....	20	20	463	-20	-20	-463	...	...	...

Justification of Requirements
(Dollars in thousands)

Item: Close Farm Operations

A recent Bureau study of the farm operations has revealed that the value of farm production is minimal after taking into account the costs required to operate the farms. In order to accomplish the Administration's spending reduction goals, a decision was made to close out the farm operations. This action will reduce the 1982 estimates by 69 positions, 21 workyears, and \$552,000 for personnel costs. Non-personnel costs relating to farm operations will be utilized to purchase food. Also, this request includes the following reductions: \$71,000 as a general pricing level adjustment; one position, workyear and \$59,000 due to the cancellation of the Boron, California prison camp expansion; and one position, workyear and \$27,000 associated with the cancellation of property management improvement initiatives. (See pages 5, 6 and 8 for a detailed justification of these changes).

	1982 Request		1982 Proposed		1982 Proposed	
	Perm.	Amount	Perm.	Amount	Perm.	Amount
Inmate care and custody:						
Food and farm services....	451	\$31,574	-71	-\$709	360	\$30,865

Justification of Requirements (Con't)
(Dollars in Thousands)

Item: Reduce Medical Services

To accomplish the Administration's program of 1982 reductions the Bureau is deferring plans to expand medical coverage at the Federal Corrections Institutions: Petersburg, Virginia; Miami, Florida; Milan, Michigan; Oxford, Wisconsin; and La Tuna, Texas as well as the Federal Prison Camp, Eglin, Florida and Federal Detention Center, Florence, Arizona. In addition, plans to activate a psychiatric unit at the Federal Correctional Institution, Butner, North Carolina and a geriatric unit at the United States Penitentiary, Leavenworth, Kansas have been cancelled. Also, reduction of four positions, four workyears and \$121,000 associated with the Boron, California expansion and \$65,000 as a common expense item. (See pages 5 and 6 for detailed justification.)

Activity	1982 Request		1982 Proposed Amendment		1982 Proposed Amendment	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Inmate care and custody:						
Medical services.....	641	\$31,743	-39	-\$914	602	\$30,829

Item: Reduce Unit Management Program

The 1981 increases to implement unit management at the La Tuna, Texas Federal Correctional Institution and the Marion, Illinois Penitentiary, are being cancelled to accomplish the Administration's budget reduction goals. (See detailed justification on pages 5, 6 and 8).

Activity	1982 Request		1982 Proposed Amendment		1982 Proposed Amendment	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Inmate care and custody:						
Unit management.....	1,181	\$32,670	-19	-\$568	1,162	\$32,102

Justification of Requirements (Con't)
(Dollars in Thousands)

Item: Close Federal CTC's

To support the Administration's policy to reduce federal employment this request reduces the 1982 estimate by 31 positions, 10 workyears and \$1,634,000 through the closing of all Federal Community Treatment Centers. Community Program Officers will continue in operations. Community-based correctional programs will be provided solely by contracts with state, local and private agencies. This will have no impact on the Bureau's major objective of providing Community residential resources to 47 percent of all Bureau releases for an average length of stay of 120 days because the Bureau will be able to replace the service lost through contracts with state, local and private agencies. Also, a reduction in the amount of \$127,000 has been applied against this program as a common expense item (see page 5 for detailed justification).

Activity	1982 Request		1982 Proposed		1982 Proposed				
	Pending	Perm.	Amendment	Perm.	Amendment	Perm.			
	Pos.	WY	Pos.	WY	Pos.	WY			
	Amount		Amount		Amount				
Community Corrections:									
Federal community treatment									
centers and other									
community programs.....	133	195	\$6,454	-31	-10	\$1,761	102	185	\$4,693

Federal Prison System
Salaries and Expenses
Financial Analysis
(Dollars in thousands)

Grade and object class	1982 Proposed Amendment		Common Expenses		Gen. Level Pricing Adjustment		Annualize 1980 Pay Increase		Cancel Boron Expansion		Cancel Property Mont. Improve.		Other Reductions	
	Pos.	Ant.	Pos.	Ant.	Pos.	Ant.	Pos.	Ant.	Pos.	Ant.	Pos.	Ant.	Pos.	Ant.
GS-13.....	-1	-\$32	...	...	...	...	...	...	-1	-\$32	...	...	...	...
GS-12.....	-10	-270	...	...	...	...	...	...	...	...	-1	-\$27	-9	-\$243
GS-11.....	-14	-310	...	...	...	...	...	...	-3	-68	-2	-44	-9	-198
GS-9.....	-67	-1,244	...	...	...	...	...	...	-10	-190	-11	-226	-46	-828
GS-8.....	-5	-84	...	...	...	...	...	...	-5	-84	...	...	...	...
GS-7.....	-12	-180	...	...	...	...	...	...	-2	-30	-3	-45	-7	-105
GS-6.....	-5	-70	...	...	...	...	...	...	-5	-70	...	...	...	...
GS-5.....	-7	-84	...	...	...	...	...	...	-2	-24	...	...	...	...
Ungraded.....	76	-1,957	...	...	...	...	...	...	-4	-91	-3	-74	-5	-60
Total positions and annual rates.....	-197	-4,231	...	...	...	...	...	...	-32	-589	-20	-416	-145	-3,226
Lapse.....	48	1,077	...	...	...	...	...	...	...	...	...	...	48	1,278
Full-time equivalent employment and related permanent compensation.....	-149	-3,154	...	...	...	...	...	...	-32	-589	-20	-416	-97	-1,948
Other personnel compensation.....	-40	-40	...	...	...	...	...	...	-25	-25	...	...	-15	-15
Personnel benefits.....	-326	-326	...	...	...	...	...	...	-65	-65	...	...	-47	-214
Travel and transportation of persons.....	-9	-9	...	...	...	...	...	...	-9	-9	...	...	...	...
Transportation of things.....	-2	-2	...	...	...	...	...	...	-2	-2	...	...	...	...
Communications, utilities, other rent.....	-811	-\$91	...	...	...	...	...	...	-19	-19	...	...	...	...
Other services.....	-605	-7	...	...	...	...	...	...	-40	-40	...	...	...	...
Supplies and materials.....	-530	-221	...	...	...	...	...	...	-118	-118	...	...	...	...
Equipment.....	-618	-453	...	...	...	...	...	...	-165	-165	...	...	...	...
Total workyears and obligations, 1982.....	-6,095	-772	...	...	...	...	...	...	-1,032	-701	...	...	-463	-3,127

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	19 82 actual	19 82 estimated	19 82 estimated
15-1060-0-1-753			
	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
<u>Program by activities:</u>			
Direct program:			
Operating costs:			
1. Inmate care and custody services.....	194,633	-2,522	192,111
2. Inmate programs.....	23,262	-1,055	22,207
3. Institution administration and maintenance.....	104,434	-757	103,677
4. Community corrections.....	33,596	-1,761	31,835
5. Program direction.....	21,989	...	21,989
6. Total operating costs.....	<u>377,914</u>	<u>-6,095</u>	<u>371,819</u>
Unfunded adjustments to total operating costs:			
Depreciation included above.....	-7,751	...	-7,751
Property transferred in without charge.....	-8,466	...	-8,466
Total operating costs, funded.....	<u>361,697</u>	<u>-6,095</u>	<u>355,602</u>
Capital investment, funded:			
Institutional improvements.....	19,083	...	19,083
Property transferred in without charge.....	-11,616	...	-11,616
Total capital investment..	<u>7,467</u>	<u>...</u>	<u>7,467</u>
Total direct program costs, funded.....	<u>369,164</u>	<u>-6,095</u>	<u>363,069</u>

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

Program and Financing (in thousands of dollars)

Identification code	1982 Request	1982 Proposed Amendment	1982 Revised Estimate
15-1060-0-1-753			
Reimbursable program.....	12,224	...	12,224
Total program costs, funded - obligations...	381,388	-6,095	375,293
Change in selected resources (undelivered orders).....	-4,787	...	-4,787
10.00 Total obligations.....	376,601	-6,095	370,506
Financing:			
Offsetting collections from:			
11.00 Federal funds.....	-725	...	-725
13.00 Trust funds.....	-390	...	-390
14.00 Non-Federal sources.....	-11,109	...	-11,109
40.00 Budget authority (Appropriation).....	364,377	-6,095	358,282
Relation of obligations to outlays:			
71.00 Obligations incurred, net.....	364,377	-6,095	358,282
72.40 Obligated balance, start of year.....	28,811	...	28,811
74.40 Obligated balance, end of year.....	-30,244	-418	-29,826
90.00 Outlays.....	362,944	-5,677	357,267

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES
OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	19 82	19 82	19 82
15-1060-0-1-753			
Personnel compensation:	Request Pending	Proposed Amendment	Revised Request
11.1 Permanent positions.....	185,497	-3,154	182,343
11.5 Positions other than permanent.....	1,973	...	1,973
11.5 Other personnel compensation.....	11,935	-40	11,895
11.7 Military personnel.....	3,516	...	3,516
11.8 Special personal services payments.....			
Total personnel compensation.....	202,921	-3,194	199,727
Personnel benefits:			
12.1 Civilian.....	25,069	-326	24,743
12.2 Military personnel.....	1,390	...	1,390
13.0 Benefits for former personnel.....	133	...	133
21.0 Travel and transportation of persons.....	7,423	-9	7,414
22.0 Transportation of things.....	2,274	-2	2,272
23.1 Standard Level User Charge.....	1,289	...	1,289
23.2 Rent, Communications, and utilities and other rent.....	20,447	-811	19,636
24.0 Printing and reproduction.....	329	...	329
25.0 Other services.....	55,517	-605	54,912
26.0 Supplies and materials.....	39,224	-530	38,694
31.0 Equipment.....	7,462	-618	6,844
32.0 Lands and structures.....	5	...	5
33.0 Investments and loans			
41.0 Grants, subsidies, and contributions.....	864	...	864
42.0 Insurance claims and indemnities.....	30	...	30
43.0 Interest and dividends			
44.0 Refunds			
99.0 Total obligations			
Total direct obligations.....	364,377	-6,095	358,282

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DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

Object Classification (in thousands of dollars)

Identification code	82	82	82
	<u>Request</u> <u>Pending</u>	<u>Proposed</u> <u>Amendment</u>	<u>Revised</u> <u>Request</u>
15-1060-0-1-753			
Total reimbursable obligations...	\$12,224	...	\$12,224
Total obligations, Bureau of Prisons.....	376,601	-6,095	370,506
Total obligations, Department of Health and Human Services.....	4,964	...	4,964
99.00 Total obligations.....	381,565	-6,095	375,470

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

PERSONNEL SUMMARY

Identification code	1982 Actual	1982 Estimate	1982 Estimate
15-1060-0-1-753	Request Pending	Proposed Amendment	Revised Request
Direct:			
Total number of full-time permanent positions.....	9,119	-197	8,922
Total compensable workyears:			
Full-time equivalent employment.....	8,904	-128	8,776
Full-time equivalent of overtime positions.....	300	...	300
Average ES salary.....	50,112	...	50,112
Average GS grade.....	8.41	...	8.41
Average GS salary.....	19,842	...	19,842
Average salary of ungraded positions.	24,511	...	24,511
Reimbursable:			
Total number of permanent positions.	127	...	127
Total compensable workyears:			
Full-time equivalent employment.....	127	...	127
Average GS grade.....	8.41	...	8.41
Average GS salary.....	19,842	...	19,842
Average salary of ungraded positions	24,511	...	24,511
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES.....			
Total number of permanent positions....	112	...	112
Total compensable workyears.....	97	...	97
Average salary, grades established by Act of July 1, 1966 (42 USC 207)...	26,676	...	26,676

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

15-1060-0-1-753	19 82 <u>actual</u>	19 82 <u>estimate</u>	19 82 <u>estimate</u>
	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
ES-6.....	1	...	1
ES-4.....	12	...	12
ES-3.....	7	...	7
ES-2.....	2	...	2
GS/GM-15.....	95	...	95
GS/GM-14.....	181	...	181
GS/GM-13.....	162	-1	161
GS-12.....	564	-10	554
GS-11.....	951	-14	937
GS-10.....	92	...	92
GS-9.....	1,258	-67	1,191
GS-8.....	1,176	-5	1,171
GS-7.....	1,979	-12	1,967
GS-6.....	977	-5	972
GS-5.....	488	-7	481
GS-4.....	90	...	90
GS-3.....	4	...	4
Subtotal.....	8,039	-121	7,918
Ungraded.....	1,080	-76	1,004
Total permanent positions.....	9,119	-197	8,922
Unfilled positions, Sept. 30.....	-254	...	-254
Total permanent employment end of year.....	8,865	-197	8,668

DEPARTMENT OF JUSTICE
Federal Prison System
National Institute of Corrections
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Federal Prison System
National Institute of Corrections

Budget Appendix Page	Heading	1982		
		Request Pending	Proposed Amendment	Revised Request
I-N19	National Institute of Corrections.....	\$12,890,000	-\$1,119,000	\$11,771,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval. This proposed amendment decreases by \$1,119,000, the amount of authorization required.

Federal Prison System
National Institute of Corrections
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	32	31	\$12,890
Proposed amendment.....	-2	-1	-1,119
Revised request.....	30	30	11,771

Explanation of Request

This request reflects implementation of the President's program of 1982 budget reductions as it affects this account. The proposed reduction will be accomplished primarily by cutting back on the amounts planned for technical assistance and grants to state and local correctional organizations for improving correctional practices.

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Federal Prison System
National Institute of Corrections
Summary of Requirements
(Dollars in thousands)

Estimates by budget activity	1982 Request		1982 Proposed		1982 Revised	
	Pending Pos.	WY Amount	Amendment Pos.	WY Amount	Request Pos.	WY Amount
1. National Institute of Corrections.....	32	31 \$12,890	-2	-1 -\$1,119	30	30 \$11,771

Federal Prison System
National Institute of Corrections
Justification of Requirements
(Dollars in thousands)

<u>Budget Activity/Program</u>	<u>1982 Proposed</u>	
	<u>Pos.</u>	<u>Amount</u>
1. National Institute of Corrections.....	-2	-1 -\$1,119

The 1982 budget included increases of two positions and \$2,012,000 to enhance the level of technical assistance and increase the grant program, primarily in corrections training, provided by the Institute. The proposed amendment accomplishes the President's 1982 reductions by withdrawing the request for two additional positions and reducing the increase requested for the Institute's grant programs by \$1,119,000.

Federal Prison System
National Institute of Corrections
Financial Analysis
(Dollars in thousands)

Grade and object class	1982 Proposed Amendment Pos.	Amount
GS/GM-15.....	-1	-\$44
GS-12.....	-1	-27
Total positions and annual rates.....	-2	-71
Lapse.....	1	...
Full-time equivalent employment and related permanent compensation.....	-1	-71
Personnel benefits.....		-8
Grants, subsidies and contributions.....		-1,040
Total workyears and obligations, 1982.....	-1	-1,119

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
NATIONAL INSTITUTE OF CORRECTIONS

Program and Financing (in thousands of dollars)

Identification Code	19 82 Actual	19 82 Proposed	19 82 Revised
15-1004-0-1-754			
	<u>Request</u> <u>Pending</u>	<u>Proposed</u> <u>Amendment</u>	<u>Revised</u> <u>Request</u>
<u>Program by activities:</u>			
National Institute of Corrections:			
Operating costs funded.....	2,162	-119	2,043
Program costs funded.....	10,541	-1,000	9,541
Total program costs, funded....	12,703	-1,119	11,584
Change in selected resources (unde- livered orders).....	-11	...	-11
10.00 Total obligations.....	12,692	-1,119	11,573
<u>Financing:</u>			
21.40 Unobligated balance available, start of year.....	-322	...	-322
24.40 Unobligated balance available, end of year.....	520	...	520
40.00 Budget authority (appropriation).....	12,890	-1,119	11,771
<u>Relation of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	12,692	-1,119	11,573
72.40 Obligated balance, start of year.....	7,967	...	7,967
74.40 Obligated balance, end of year	-8,951	500	-8,451
90.00 Outlays.....	11,703	-619	11,083

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
NATIONAL INSTITUTE OF CORRECTIONS
OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	19 82 1981	1982 1981	19 82 1981
15-1004-0-1-754			
Personnel compensation:	Request Pending	Proposed Amendment	Revised Request
11.1 Permanent positions.....	863	112	975
11.3 Positions other than permanent.....	183	-183	...
11.4 Other personnel compensation.....			
11.8 Special personal services payments.....			
Total personnel compensation.....	1,046	-71	975
Personnel benefits:			
12.1 Civilian.....	113	-8	105
13.0 Benefits for former personnel.....			
21.0 Travel and transportation of persons.....	364	...	364
22.0 Transportation of things.....	26	...	26
23.1 Standard level user charges..	51	...	51
23.02 Rent, communications, and utilities and other rent.....	55	...	55
24.0 Printing and reproduction.....	68	...	68
25.0 Other services.....	381	...	381
26.0 Supplies and materials.....	47	...	47
31.0 Equipment.....	11	...	11
32.0 Lands and structures.....			
33.0 Investments and loans.....			
41.0 Grants, subsidies, and contributions.....	10,530	-1,040	9,490
42.0 Insurance claims and indemnities.....			
43.0 Interest and dividends.....			
44.0 Refunds.....			
99.0 Total obligations.....	12,692	-1,119	11,573

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DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
NATIONAL INSTITUTE OF CORRECTIONS

PERSONNEL SUMMARY

Identification code	19 82 Request	19 82 Proposed	19 82 Revised
15-1004-0-1-754	<u>Pending</u>	<u>Amendment</u>	<u>Request</u>
Total number of full-time permanent positions.....	32	-2	30
Total compensable workyears:			
Full-time equivalent employment....	31	-1	30
Full-time equivalent of overtime and holiday hours.....	...	...	...
Average ES salary.....	\$50,112	...	\$50,112
Average GS grade.....	11.13	13.5	11.79
Average GS salary.....	\$27,096	\$35,749	\$30,207

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
NATIONAL INSTITUTE OF CORRECTIONS

DETAIL OF PERMANENT POSITIONS

15-1004-0-1-754	19 82 actual	19 82 estimate	19 82 estimate
	<u>Request Pending</u>	<u>Proposed Amendment</u>	<u>Revised Request</u>
ES-4.....	1	...	1
GS/GM 15.....	4	-1	3
GS/GM 14.....	1	4	5
GS/GM 13.....	12	-2	10
GS-12.....	3	-1	2
GS-11.....	1	1	2
GS-9.....	3	-2	1
GS-8.....	...	1	1
GS-7.....	3	1	4
GS-6.....	1	...	1
GS-5.....	2	-2	...
GS-4.....	1	-1	...
Total permanent positions.....	32	-2	30
Unfilled positions, Sept. 30.....	...	...	...
Total permanent employment end of year....	32	-2	30

DEPARTMENT OF JUSTICE
Federal Prison System
Buildings and Facilities
Proposed Amendment, Fiscal Year 1982
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DEPARTMENT OF JUSTICE
Federal Prison System
Buildings and Facilities

Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-N20	Buildings and Facilities.....	\$14,731,000	-\$1,000,000	\$13,731,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval. This proposed amendment decreases by \$1,000,000, the amount of authorization required.

Federal Prison System
Buildings and Facilities
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	25	25	\$14,731
Proposed amendment.....	-1,000
Revised request.....	25	25	13,731

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Explanation of Request

This amendment incorporates a part of the President's 1982 program of reductions. The proposed reduction will be accomplished in the activity Modernization and Repair of Existing Facilities by reducing the scope of one project and deleting two lower priority projects.

Federal Prison System
Buildings and Facilities
Summary of Requirements
(Dollars in thousands)

<u>Comparison by Activity</u>	<u>1982 Request</u>		<u>1982 Proposed</u>		<u>1982 Revised</u>	
	<u>Pending</u>	<u>Permi.</u>	<u>Amendment</u>	<u>Permi.</u>	<u>Request</u>	<u>Permi.</u>
	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Planning and site acquisition.....	...	...	...	...	...	...
2. New construction.....	...	...	...	...	...	...
3. Modernization and repair of existing facilities.....	25	25	\$14,731	...	...	-\$1,000
Total Requirements.....	25	25	14,731	...	...	-1,000
					25	25
					25	13,731

Federal Prison SystemBuildings and FacilitiesJustification of Requirements
(Dollars in thousands)

Activity: Modernization and Repair of Existing Facilities	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
Item: Implementation of President's 1982 Budget Reductions.....	Pos.	WY	WY	WY	Pos.	WY
	25	25	...	...	25	25
		\$14,731		-\$1,000		\$13,731

The proposed reduction for 1982 will be accomplished by adopting a lower cost alternative for improving perimeter security at the El Reno Federal Correctional Institution (FCI) (-\$105,000), and by deleting from the 1982 request, the following two lower priority projects: (1) the third phase of a project to renovate housing at the El Reno FCI (-\$495,000); and (2) the second phase of a three-phase project to rehabilitate the food service facilities at the Lompoc FCI (-\$400,000). To effect this change, object class 26 Supplies and Materials will be reduced in the amount of \$1,000,000.

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
BUILDINGS AND FACILITIES

Program and Financing (in thousands of dollars)

Identification code	19 82	19 82	19 82
	<u>Request</u> <u>Pending</u>	<u>Proposed</u> <u>Amendment</u>	<u>Revised</u> <u>Request</u>
15-1003-0-1-753			
<u>Program by activities:</u>			
1. Planning and site acquisition.	...	...	...
2. New construction.....	\$3,793	...	\$3,793
3. Modernization and repair of existing facilities.....	10,975	...	10,975
Total program costs, funded.	14,768	...	14,763
Change in selected resources (undeliv- ered orders, stores).....	3,100	...	3,100
10.00 Total obligations.....	17,868	...	17,863
<u>Financing:</u>			
21.40 Unobligated balance available, start of year.....	-7,853	...	-7,853
24.40 Unobligated balance available, end of year.....	4,716	-\$1,000	3,716
40.00 <u>Budget authority</u> <u>(appropriation)</u>	14,731	-1,000	13,731
<u>Relation of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	17,868	...	17,868
72.40 Obligated balance, start of year.....	11,985	...	11,985
74.40 Obligated balance, end of year.	-14,799	...	-14,799
90.00 Outlays.....	15,054	...	15,054

DEPARTMENT OF JUSTICE
Federal Prison System
Federal Prison Industries, Inc.
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Federal Prison System
Federal Prison Industries, Inc.

Budget Appendix Page	Heading	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
I-M21	Federal Prison Industries, Incorporated.....	\$133,390,000.	-\$1,125,000	\$132,265,000

The 1982 authorization bill has been prepared by the Department and is awaiting approval. Because no budget authority is required to fund the activities of Federal Prison Industries, Inc., there is no funding authorization for this account.

Federal Prison System
Federal Prison Industries, Inc.
Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Obligations/Revenue</u>
Request pending.....	843	782	\$133,390
Proposed amendment.....	-50	-34	-1,125
Revised request.....	793	748	132,265

Explanation of Request

This amendment reflects implementation of the President's program of 1982 budget reductions. The reductions will be applied across the board in the Industrial program with the objective of maintaining industrial operations where they currently exist.

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3

Comparison by Activity	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Permi. Pos.	WY Amount	Permi. Pos.	WY Amount	Permi. Pos.	WY Amount
1. Administrative expenses.....	42	38 \$2,264	...	...	42	38 \$2,264
2. Vocational training expenses.....	97	84 2,701	...	...	97	84 2,701
Subtotal, funds subject to congressional limitations.....	139	122 4,965	...	...	139	122 4,965
3. Cost of production.....	704	660 117,095	-50	-34 \$1,125	654	626 115,970
4. Other expenses.....	...	...	...	...	...	...
5. Buildings and improvements.....	...	...	...	...	...	...
6. Machinery and equipment.....	...	...	...	...	...	...
Total Requirements.....	843	782 133,390	-50	-34 -1,125	793	748 132,265

Federal Prison System
Federal Prison Industries, Inc.
Justification of Requirements
(Dollars in thousands)

Activity: Cost of Production	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Item: Implementation of President's 1982						
Budget Reductions.....	704	\$117,095	-50	-\$1,125	654	\$115,970

The proposed reduction for 1982 will be accomplished by reducing industrial supervision throughout the system so that all existing industries can continue to operate. Positions will be abolished through attrition to the extent possible.

Federal Prison System
Federal Prison Industries, Inc.
Financial Analysis
(Dollars in thousands)

Grade and Object Class	1982 Proposed Amendment	
	Pos.	Amount
GS-11.....	-6	-\$156
GS-9.....	-2	-40
GS-8.....	-2	-38
GS-7.....	-2	-34
GS-5.....	-3	-42
Ungraded positions.....	-35	-770
Total positions and annual rates.....	-50	-1,080
Lapse.....	16	332
Full-time equivalent employment and related permanent compensation.....	-34	-748
Personnel benefits.....		-117
Supplies and materials.....		-260
Total workyears and obligations, 1982.....	-34	-1,125

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
FEDERAL PRISON INDUSTRIES, INC.

Program and Financing (in thousands of dollars)

Jurisdiction code 15-4500-0-4-753	19 82 Request	19 82 Proposed Amendment	19 82 Revised Request
	Pending		
<u>Program by activities:</u>			
Operating costs:			
Industrial manufacturing program:			
1. Cost of production.....	117,095	-1,125	115,970
2. Administrative expenses.....	2,264	...	2,264
3. Vocational training expenses	2,701	...	2,701
4. Other expenses.....	6,616	...	6,616
Total operating costs, funded.....	128,676	-1,125	127,551
Capital investment, funded:			
1. Buildings and improvements..	1,907	...	1,907
2. Machinery and equipment.....	2,807	...	2,807
Total Capital Investment..	4,714	...	4,714
Total program costs, funded.....	133,390	-1,125	132,265
Change in selected resources (stores, deferred charges, and un- delivered orders.....)	...	...	...
10.00 Total obligations.....	133,390	-1,125	132,265
<u>Financing:</u>			
Offsetting collections from: Federal Funds:			
11.00 Industrial manufacturing program: Revenue.....	-133,390	1,125	-132,265
11.00 Change in unfilled customer orders.....	...	...	...
21.40 Unobligated balance available, start of year.....	-60,971	...	-60,971
24.40 Unobligated balance available, end of year.....	60,971	...	60,971
39.00 Budget authority.....
(Of this sum: 21.4)	(Of this sum: 0)	(Of this sum: 0)	(Of this sum: 4.9) 6

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DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
FEDERAL PRISON INDUSTRIES, INC.

Program and Financing (in thousands of dollars)

Identification code 15-4500-0-4-753	19 82 Request	19 82 Proposed Amendment	19 82 Revised Request
	<u>Pending</u>	<u>Amendment</u>	<u>Request</u>
Relation of obligations to outlays:			
71.00 Obligations incurred, net.....	...	...	...
72.10 Receivables in excess of obli- gations, start of year.....	-48,631	...	-48,631
74.10 Receivables in excess of obli- gations, end of year.....	48,631	...	48,631
90.00 Outlays.....	...	...	...

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
FEDERAL PRISON INDUSTRIES, INC.

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	19 82	19 82	19 82
15.4500.0-4.753			
Personnel compensation:	Request Pending	Proposed Amendment	Revised Request
11.1 Permanent positions.....	16,407	-748	15,659
11.3 Positions other than permanent.....	55	...	55
11.5 Other personnel compensation.....	661	...	661
11.8 Special personal services payments.....	11,757	...	11,757
Total personnel compensation.....	28,880	-748	28,132
Personnel benefits:			
12.1 Civilian.....	2,819	-117	2,702
13.0 Benefits for former personnel.....	49	...	49
21.0 Travel and transportation of persons.....	391	...	391
22.0 Transportation of things.....	903	...	903
23.1 Standard Level User Charges....	5	...	5
23.2 Rent, communications, and utilities and other rent.....	13,027	...	13,027
24.0 Printing and reproduction.....	166	...	166
25.0 Other services.....	3,685	...	3,685
26.0 Supplies and materials.....	73,786	-260	73,526
31.0 Equipment.....	1,907	...	1,907
32.0 Lands and structures.....	2,807	...	2,807
33.0 Investments and loans			
41.0 Grants, subsidies, and contributions			
42.0 Insurance claims and indemnities			
43.0 Interest and dividends			
44.0 Refunds			
	2,264	...	2,264
	2,701	...	2,701
99.0 Total obligations.....	133,390	-1,125	132,265

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DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
FEDERAL PRISON INDUSTRIES, INC

PERSONNEL SUMMARY

Identification code 15-4500-0-4-753	19 82 Request Pending	19 82 Proposed Amendment	19 82 Revised Request
Total number of full-time permanent positions.....	843	-50	793
Total compensable workyears:			
Full-time equivalent employment....	782	-34	748
Full-time equivalent of overtime and holiday hours.....	2	...	2
Average ES salary.....	\$50,112	...	\$50,112
Average GS grade.....	9.83	8.60	9.79
Average GS salary.....	\$23,369	\$19,000	\$23,700
Average salary of ungraded positions.	\$25,920	\$22,000	\$26,000

DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
FEDERAL PRISONS INDUSTRIES, INC.

DETAIL OF PERMANENT POSITIONS

15-4500-0-4-753	<u>19 82</u> <u>Request</u>	<u>19 82</u> <u>Proposed</u>	<u>19 82</u> <u>Revised</u>
	<u>Pending</u>	<u>Amendment</u>	<u>Request</u>
ES-4.....	2	...	2
GS/GM-15.....	8	...	8
GS/GM-14.....	14	...	14
GS/GM-13.....	31	...	31
GS-12.....	62	...	62
GS-11.....	128	-6	122
GS-10.....	21	...	21
GS-9.....	95	-2	93
GS-8.....	27	-2	25
GS-7.....	36	-2	34
GS-6.....	17	...	17
GS-5.....	29	-3	26
GS-4.....	7	...	7
GS-3.....	3	...	3
GS-2.....	1	...	1
Subtotal.....	481	-15	466
Ungraded.....	362	-35	327
Total permanent positions.....	843	-50	793
Unfilled positions, Sept. 30.....	-31	...	-31
Total permanent employment end of year....	812	-50	762

FEDERAL PRISON POPULATION

Mr. HIGHTOWER. What were the average daily population figures for fiscal year 1979 and fiscal year 1980 in Federal prison institutions, and what are the average daily population estimates for fiscal years 1981 and 1982?

Mr. CARLSON. Mr. Chairman, for fiscal year 1979 the average daily population was 26,077. For fiscal 1980 the figure was 23,918. For 1982 we are estimating an average daily population of 24,000.

Mr. HIGHTOWER. What about 1981?

Mr. CARLSON. We are also estimating 24,000 for 1981.

Mr. HIGHTOWER. What is the total number of inmates housed in State or local facilities?

Mr. CARLSON. Approximately 300,000, Mr. Chairman.

Mr. HIGHTOWER. Are all these short term?

Mr. CARLSON. Maybe I should explain.

Mr. HIGHTOWER. I am sorry, I didn't make it clear. My question was Federal prisoners in State and local facilities.

Mr. CARLSON. There are a total of 211 Federal offenders now in State institutions under contract, Mr. Chairman.

Mr. HIGHTOWER. What do you consider the reasons for the decline in the Federal population in recent years?

Mr. CARLSON. Essentially it has been a change in prosecution policy, where the focus has been on white-collar crime and organized crime. Those cases, of course, take longer to work their way through the system. Also when they are sentenced they generally receive a shorter period of incarceration than do other offenders such as bank robbers and major narcotics traffickers.

DECLINING FEDERAL PRISON POPULATION OFFSET BY STATE INCREASES

Mr. HIGHTOWER. Do you think these other people are being picked up by State and local prosecutors?

Mr. CARLSON. I think to a large extent they are, sir. I think particularly with bank robbery, for example, those who are apprehended are being prosecuted in state courts and end up in the state system rather than the Federal prison system.

Mr. HIGHTOWER. What other categories are we talking about besides bank robbery where we have reduced our Federal population because of the emphasis on white-collar crime?

Mr. CARLSON. The National Motor Vehicle Theft Act, the Dyer Act, is another area where there has been a substantial reduction in Federal prosecution.

Mr. HIGHTOWER. Has there been a reduction in offenses as far as you know?

Mr. CARLSON. As far as I know, that is correct, sir.

Mr. HIGHTOWER. We understand from the media that the new Administration intends to give greater emphasis to violent crime. This would be a change in policy of prosecution. Are you asking for resources to take care of the possible increase of commitments as a result of this change in policy?

Mr. CARLSON. Mr. Chairman, the Task Force on Violent Crime which the Attorney General has established is just now in the process of meeting. We will have staff input into the task force

and, of course, their final report have impact on the future prison population. Should they decide to focus attention, for example, on crimes such as armed bank robbery and bring more offenders into the Federal system, it will require us to reassess our overall long-range plans. We do, however, have some flexibility.

We had planned to close the penitentiary at Atlanta, Georgia, as I mentioned earlier during 1984. Should there be a substantial increase in the prison population, we may well have to readdress that issue, and determine whether or not that institution should be closed or be remodeled and kept open.

SALARIES AND EXPENSES

Mr. HIGHTOWER. The first appropriation under the Federal Prison System is entitled "Salaries and Expenses." The request for fiscal year 1982 is \$358,282,000, which is a decrease of \$4,099,000 from the base amount. The proposed appropriation language includes a change which would permit you to purchase 31 passenger motor vehicles. Although this number is only a small increase over the number of vehicles you were permitted to purchase in the year 1981, why do you need an increase in the motor vehicle purchases in light of the fact that your total program is decreasing?

Mr. CARLSON. Except for four additional vehicles, Mr. Chairman. These are all replacement vehicles. We have not done a very good job in recent years of modernizing our vehicle fleet, particularly prison buses, and we are trying to make sure that these vehicles are upgraded by purchasing the replacement vehicles.

Mr. HIGHTOWER. Do you have the opportunity to bid on seized vehicles?

Mr. CARLSON. I suspect we would, although we have not done so in recent years.

Mr. HIGHTOWER. Are all of your purchases new?

Mr. CARLSON. These are new vehicles we purchase through GSA. A number are station wagons used for transportation of inmates for short distances. We prefer station wagons for that purpose because they can be separated with a partition between the driver's compartment and the rear compartment.

Mr. HIGHTOWER. Your revised budget request for fiscal year 1982 reflects a decrease of \$6,095,000 from the original budget of \$364,377,000. In addition to this decrease, it reflects a reduction of 197 permanent positions. Can you explain to us briefly what the elements of this reduction are and what impact this reduction will have on your program?

Mr. CARLSON. Mr. Chairman, most of the personnel reductions have been made in areas that we think will have minimal impact on our daily operations. For example, there is a total of 71 positions we can reduce by reducing our farming operations.

FARM OPERATIONS

Mr. HIGHTOWER. Was this a budgetary decision to get out of the farming business?

Mr. CARLSON. Essentially it was, although we have had a study underway for the past year to determine whether or not our farm operations are cost effective. The conclusion is that they are not.

We can purchase food on the open market as cheaply as we can raise it ourselves because of the staff overhead.

The average farm has approximately 9 full-time Civil Service positions to supervise the inmates. This is a significant overhead burden. We have concluded that we can buy the prepared food at a cost which is actually less than raising it ourselves.

Mr. HIGHTOWER. But what about the effects on the inmates themselves. They are out in the fields working and doing something productive. When we take them out of the fields are we going to have shops or some place to put them where they can work?

Mr. CARLSON. A good point, Mr. Chairman. Yes, we will. Federal Prison Industries will have to expand in those areas where we reduce the number of inmates assigned to the farms.

Mr. HIGHTOWER. But we are also reducing our Federal Prison Industries in this budget request as well as reducing the farms. Aren't we closing one door telling them to go to another and then closing it?

Mr. CARLSON. We are reducing the number of staff in industries. However, I think we can expand the number of industrial work assignments for inmates even though there is a net decrease in the total staff available.

Mr. HIGHTOWER. Where are these farms located?

Mr. CARLSON. I can provide a list to the committee.

Mr. HIGHTOWER. If you would for the record.

[The information follows:]

FEDERAL PRISON SYSTEM—FARM OPERATIONS

Location	Acreage	Inmates assigned	Staff
Central office			1
El Reno	3,595	17	8
La Tuna	640	54	9
Leavenworth	2,241	23	9
Lewisburg	5,193	54	9
Lompoc	43,193	82	11
Petersburg	1,340	34	7
Terre Haute	2,412	38	9
Texarkana	693	12	6
Total	59,307	314	69

Mr. CARLSON. There are a total of 8 and they are primarily in the Midwest.

Mr. HIGHTOWER. Are they owned by the Federal Government?

Mr. CARLSON. Yes. This is land owned by the Federal Government.

Mr. HIGHTOWER. What disposition will be made of that land?

Mr. CARLSON. We are going to make a decision soon regarding the future use. One thing we are contemplating at the present time is to maintain beef herds on the property, which will require no staff supervision. We can depend on inmates to tend the beef herds. We could maintain a large beef-raising operation and contract with local slaughterhouses for that purpose, we think it would be an economical way to sustain the land.

Mr. HIGHTOWER. When you talk about the high level of staff support necessary for a farm, are you talking about more than just guards?

Mr. CARLSON. Yes, we are. We are talking about farm supervisors, primarily because of the equipment we use. We find that we must maintain adequate staff supervision when inmates are using some of the mechanized equipment that is commonplace on farms today.

Mr. HIGHTOWER. When you list the farms, would you also give the number of acres.

Mr. CARLSON. Yes.

Mr. HIGHTOWER. This is so we can have some understanding of the size and the number of inmates that have previously worked on each one of the locations.

Mr. CARLSON. Yes, we will, sir.

POSITION REDUCTIONS

Mr. HIGHTOWER. How many of these 197 positions that are going to be reduced are filled at the present time?

Mr. CARLSON. Most of the positions are filled at the present time. However, we have vacant positions in other areas that more than compensate for that number. The point is that we are not going to have to put any of our employees out on the street, so to speak. We will be able to place them in other vacant positions.

Mr. HIGHTOWER. How many vacant positions do you have at the present time?

Mr. CARLSON. In the salaries and expenses account, 244.

Mr. HIGHTOWER. Is this partly as a result of the hiring freeze?

Mr. CARLSON. That is correct, sir, almost entirely as a result of the hiring freeze.

Mr. HIGHTOWER. Then after you receive your new lower number, you will be putting some people back on?

Mr. CARLSON. Yes, we will, sir.

Mr. HIGHTOWER. Are you going to be able to meet the real staffing needs under the new personnel limits?

Mr. CARLSON. Mr. Chairman, like any administrator, I didn't ask for the reductions in the positions. On the other hand, I understand the necessity for cuts being made throughout the government. I am convinced that we can operate an effective system, even though we are reducing our total employment by some 300 positions.

Mr. HIGHTOWER. Where will the reductions be principally? Are we reducing the number of guards?

Mr. CARLSON. Seventy-one of those positions, Mr. Chairman, are farm supervisors who supervise the inmates working in the fields, taking care of the cattle, and operating the dairy farms.

Mr. HIGHTOWER. Are they going to be transferred to other positions?

Mr. CARLSON. They will be absorbed within the vacant positions in our institutions.

Mr. HIGHTOWER. Will they have to be retrained?

Mr. CARLSON. No. The majority of these people have previously worked in institutions in other capacities and can be relocated into a different job category without any retraining requirement. In

addition, we are going to be closing out the Federal Community Treatment Centers.

FEDERAL COMMUNITY TREATMENT CENTERS

Mr. HIGHTOWER. What is the Federal Community Treatment Center?

Mr. CARLSON. A halfway house, Mr. Chairman. It is a facility in the community where the inmates are sent for the last 90 days of their sentence to find a job, and reestablish their contacts with the community prior to release.

Mr. HIGHTOWER. What is going to be substituted for the treatment centers?

Mr. CARLSON. Mr. Chairman, we contract at the present time with 400 State, local and private agencies to provide halfway house services. For example, the Salvation Army and the Volunteers of America are two of the largest contractors in the country.

Mr. HIGHTOWER. Is that more economical than doing it ourselves?

Mr. CARLSON. In the short run, no. It is more costly. In the long run, however, I think it is cheaper because the administrative overhead of our own community treatment center is absorbed by the system and not by the individual CTCs.

Mr. HIGHTOWER. Are you satisfied that community treatment goals of the Federal Prison System can be achieved by contract centers?

Mr. CARLSON. Yes, I am, Mr. Chairman. We have contracted with over 400 such centers around the country and we have had, basically, very good experiences with the contracts. Those contracts that don't meet standards we cancel, but the majority of them have worked out very effectively.

Mr. HIGHTOWER. But Mr. Carlson, aren't we also asking for \$530,000 less for these contracts?

Mr. CARLSON. Yes, we are, Mr. Chairman.

Mr. HIGHTOWER. Are we going to absorb in the contracts what we are doing out of the regular budget while also reducing the contract money?

Mr. CARLSON. We are not reducing the contract money in fiscal 1982 from 1981. We are increasing it to \$27 million in 1982. In 1981, there is a reduction that reflects the decreased number of inmate releases.

Mr. HIGHTOWER. Is it a decrease from the base, however?

Mr. CARLSON. Yes, Mr. Chairman, our caseload has gone down. The number of releases has gone down because our population is lower. But the \$27 million that we have requested, Mr. Chairman, we believe will be sufficient to meet the needs of all inmates who are in need of that type of program.

WHITE-COLLAR OFFENDERS IN HALFWAY HOUSES

Mr. HIGHTOWER. Wouldn't you have a different type of need, though, for contract halfway house treatment centers for the different character of population that you are probably going to be getting as we change from the white-collar criminal to the hard criminal? The white-collar criminal, my guess would be, would be a

man that is going to immediately be absorbed back into the community. He probably already has a job and a family and resources waiting for him. A halfway house would just be a place to change clothes. But some of these more hardened criminals that we are going to see more of, are going to need more than just a new suit and \$50 when they are released.

Mr. CARLSON. That is a good point, Mr. Chairman. We do, however, send white-collar offenders to halfway houses for shorter periods of time than we do the hard-core offenders. For example, most white-collar offenders spend only 30 days in a community treatment center, whereas most serious offenders such as bank robbers and narcotic violators will spend over 80 days, and frequently spend as much as 130 days in a halfway house. We differentiate the amount of time they spend in a community treatment center on the basis of need.

Mr. HIGHTOWER. But actually the white-collar criminal wouldn't have to spend even 30 days. If we do it on a contract basis, you could turn him out at the prison gate and he would be just as well off and certainly the system would be as well off, wouldn't it?

Mr. CARLSON. I would agree that the majority of white-collar offenders do not require the assistance. The problem we have had, however, has been that the courts have felt that by excluding them from the program, we in effect, are setting up a dual system of the haves and the have nots. We were ordered by one court to send white-collar offenders because the court felt that not to do so, would be making an unfair differentiation.

ACCREDITATION OF COMMUNITY TREATMENT CENTERS

Mr. HIGHTOWER. What needs to be done to achieve accreditation in contract CTCs by fiscal year 1984? I understand the GAO report has said that some of them are not accredited and it is going to take some effort to bring them up to the proper standards.

Mr. CARLSON. That is correct, Mr. Chairman. We have announced that we will contract only with accredited community treatment centers after 1984. They have been put on notice that they must meet these standards. The majority of them are already doing so, and most of those that are not now accredited I am sure will become accredited by 1984 when our deadline will come into effect.

Mr. HIGHTOWER. Will this be done without cost to the government?

Mr. CARLSON. It will come without any direct cost to the government. However, I must say that a contractor would undoubtedly raise their contract rates to take care of these expanded standards that have been imposed on them.

SENTRY

Mr. HIGHTOWER. Oh, surely not. The budget request reflects an increase of \$500,000 to support increased workloads which will result from the planned increase of on-line SENTRY sites in 1982. What progress has been made in implementing the SENTRY sentence computation and population accountability systems, and what is the timetable for future implementation?

Mr. CARLSON. Congressman Hightower, I would like to defer to Mr. Gerald Farkas, one of our assistant directors, who is with me and is in charge of that particular program.

Mr. FARKAS. Currently, Mr. Chairman, we have a single terminal system operating in all of our institutions. In fiscal year 1983 we will have our multi-terminal system operating in all of our institutions. Currently we have all the names of the inmates that are in the system. We keep count by it, and our goal is to have our inmate information system manually converted over to the SENTRY system, hopefully by the end of this calendar year. It is well in process.

We are also looking at our property management system that is in process and hope that by May or June of this year it will be operating. We have also developed a central monitoring system which will help us identify more closely the separate kinds of cases that we need within our system. That is well under way and should hopefully be operational by some time this summer.

MEDICAL SERVICES

Mr. HIGHTOWER. The budget includes an increase of \$93,000 to enhance the existing medical program. However, the revision to the original budget also reflects a cancellation of the planned activation and operation of a psychiatric unit at the Federal Corrections Center in Buford, North Carolina, and a chronic care unit at the U.S. Penitentiary in Leavenworth, Kansas. In light of these reductions, what will the \$93,000 be used for?

Mr. CARLSON. Mr. Chairman, there will be one additional position added in 1982 to expand 24-hour medical coverage. The remaining funds of \$93,000 will be used for additional contract with the local hospitals, physicians and dentists to provide medical and dental care in our institutions.

Mr. HIGHTOWER. Have these medical care contracts leveled off in the last few years?

Mr. CARLSON. Yes, they have. We have noticed that there has not been a substantial increase in the number of contracts, at least during the past year, partly because we have been expanding the use of our medical center for Federal prisoners at Springfield, Missouri. We fly many inmates to Springfield, Missouri, in air ambulances. We find that is cheaper for the government than to place them in a 200 dollar a day local hospital. Our medical care costs have tended to level off and the high rate of escalation we have had for several years is no longer with us.

Mr. HIGHTOWER. How are you going to provide medical care in Butner for the inmates with these reductions?

Mr. CARLSON. We are not going to be able to establish an additional psychiatric ward at Butner as we had hoped to do. Perhaps in some ensuing fiscal year we will be able to accomplish that goal. The same is true of Leavenworth. We had planned to set up essentially a geriatric ward for some of our elderly and infirm inmates, however, we will have to absorb these inmates in other institutions. Again, we hope that future budget requests would enable us to re-establish those programs.

Mr. HIGHTOWER. If you have an inmate at Butner that really requires psychiatric attention, do you transfer him to another penitentiary?

Mr. CARLSON. Yes, they would have to go to Springfield, Missouri, which has a larger psychiatric center than the one at Butner.

Mr. HIGHTOWER. And that is the way you do it?

Mr. CARLSON. Yes.

Mr. HIGHTOWER. Do you put most of your elderly inmates at Leavenworth?

Mr. CARLSON. We currently have geriatric units at Fort Worth, Texas, and Lexington, Kentucky. The problem is that we have some elderly and infirm inmates, who are security risks, who cannot be handled in a minimum security institution such as Lexington and Fort Worth. That is the reason we had attempted to establish the program at Leavenworth. Again, while I think it is a need, it is a program that can be deferred, and I am sure we will be readdressing that issue in subsequent fiscal years.

CUBANS DETAINED AT ATLANTA

Mr. HIGHTOWER. Although the total Federal prison population is decreasing, your budget justifications indicate you still have approximately 1700 Cubans, which you discussed a few minutes ago. Are all of these at one place?

Mr. CARLSON. Except for 40, Mr. Chairman, they are all at the U.S. Penitentiary, Atlanta, Georgia. Of the remaining 40, some are psychiatric patients that are at Springfield, Missouri. Approximately 12, are female detainees who are at the facility at Lexington, Kentucky.

Mr. HIGHTOWER. Are they in maximum security?

Mr. CARLSON. In the Atlanta institution, that is correct, sir. The basic reason is that we simply don't know really what we have. We know that these individuals all have criminal histories in Cuba, but there are no records available to us. Therefore we are maintaining them under maximum security conditions.

Mr. HIGHTOWER. Are they confined because it has been reported to someone in the INS or elsewhere that they have criminal records? Is that the sole basis of their confinement?

Mr. CARLSON. That is correct, Mr. Chairman. These are individuals who have been identified as having prior criminal records in Cuba, and have been reviewed in the Immigration Service's normal process and been found to be excludable because of their criminal records. The reason they are with us is because they are prison-type cases that eventually should be excluded from this country.

Mr. HIGHTOWER. But they have on a case-by-case basis been examined?

Mr. CARLSON. That is right.

Mr. HIGHTOWER. And found to be criminal types, and that their criminal record is not some kind of political prosecution in Cuba?

Mr. CARLSON. I, couldn't attest to the full hearing process because that was handled by the Immigration Service, but to answer your question, yes, they have gone through the full panoply of the Immigration Service's procedures.

Mr. HIGHTOWER. You are in the position of an unwilling host, because you have no way of knowing who they are, how long they

are going to be there or what is going to be expected down the road, do you?

Mr. CARLSON. That is correct. We certainly did not anticipate this problem. When I testified here last year, we certainly had no knowledge that we would have 1,750 Cubans one year later.

Mr. HIGHTOWER. I hope you don't get any surprises this year. Do you have to bear the entire burden of the cost out of your budget?

Mr. CARLSON. Last year we were able to do so, Mr. Chairman. As you may recall, we had submitted a supplemental, but as a result of our decreased inmate population, we were able to absorb those costs.

Mr. HIGHTOWER. Mr. Dwyer?

Mr. DWYER. No questions, Mr. Hightower.

Mr. HIGHTOWER. We do have some questions from Mr. Early, who has a conflicting committee meeting at this hour, and regrets that he couldn't stay to ask the questions in person, but I would like to give those to you for your answers in writing in the record, if you will, Mr. Carlson.

Mr. CARLSON. I will be very happy to, Mr. Chairman.

[The information follows:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

What is the status of the Lake Placid Prison?

The Ray Brook (formerly Lake Placid), New York Federal Correctional Institution was completed and dedicated in September 1980. An initial inmate maintenance cadre moved into the facility in October and the general population began to move in in early November.

Currently, there is an inmate population of 198 at Ray Brook with 100 more offenders awaiting transfer there. Based on current plans, population should approach 400 in 90 days and the institution should be at or near capacity within 6 months.

Ray Brook is currently staffed at 170, nearly 30 positions below the number required for full operations. The hiring freeze, in conjunction with the necessity to temporarily keep staff on at the McNeill Island and Atlanta Penitentiaries that were planned for transfer to Ray Brook has slowed down, somewhat, our staffing plans. We expect, however, that the institution will be fully staffed within a few months.

In your statement, Mr. Carlson, you indicate that criminal filings by U.S. Attorneys have increased in recent months which could possibly lead to an increase in the inmate population at federal facilities. Many of the reductions you have requested were proposed due to the low prisoner population. If the inmate population should increase as you suggested, would you have sufficient funds to handle the growth?

Our budget could not accommodate a significant increase in inmate population. As you are probably aware, we currently are housing a total of 1,750 Cuban detainees, most of whom are or will be located at the Atlanta Penitentiary. If the Cuban prisoners were to be removed from our facilities, we obviously would have some flexibility which does not now exist.

Last year you requested funds to maintain medical accreditation at the Springfield facility. Do you still have accreditation?

Yes, the Springfield Medical Center is currently accredited.

Are there any other facilities at which such accreditation is threatened?

No, we do not believe that such accreditation is threatened at other facilities.

How much money have you spent to date on the detention of Cubans in federal facilities? Do you have any idea of when you will be able to close the Atlanta Penitentiary? Is this facility being kept open solely to house the Cubans, or are there other prisoners as well?

In FY 1980, out-of-pocket expenses for detention of the Cubans were \$597,000; 1981 out-of-pocket costs, thus far are \$3.1 million. The Bureau presently has no idea of when the Atlanta Penitentiary can be closed. The Atlanta Penitentiary is now or will shortly be housing only the Cuban detainees. The Department of Justice 1980 Authorization Act requires that Atlanta be closed by September 1, 1984. The Bureau was proceeding with an orderly, gradual phase down of the

facility which would have permitted its closure in advance of the Congressional deadline. Were it not for the Cuban prisoners, we would still be housing our regular population there, although at gradually decreased levels. So while the facility is currently housing only Cuban prisoners, it is not accurate to say that it is being kept open solely for that purpose. Conceivably, if inmate population begins to increase significantly in the future, it might become necessary to reconsider the Congressionally-mandated closing date of the Atlanta Penitentiary.

NATIONAL INSTITUTE OF CORRECTIONS

Mr. HIGHTOWER. We will now consider the budget for the National Institute of Corrections. This amount is \$11,771,000, representing an increase of \$893,000 over the appropriation enacted for the current fiscal year. The amended budget request for the National Institute of Corrections reflects a reduction of \$1,119,000, and two positions from the original budget request of \$2,890,000. What would be the impact of this reduction on your program for fiscal year 1982?

Mr. CARLSON. Mr. Chairman, I will defer to Mr. Allen Breed, the Director of the National Institute of Corrections, who is with me.

Mr. HIGHTOWER. Mr. Breed, I want to hear from you, but I first want to note, since we have been in hearings now for several weeks and have heard reductions in many departments and agencies, reductions of personnel and corresponding reductions of salaries and budget, this is the first time we have had a reduction of 2 positions for over \$1 million. I just did not know we had anybody that well paid. I would be glad to know what that \$1 million represents.

Mr. BREED. I have great difficulty sometimes, having come from the States, to understand the Federal system myself. Obviously the two positions represents a modest part of that; a little over \$100,000 with all the fringe benefits. The rest of the money is for reduced operating costs. The original budget had called for approximately \$2 million of increase, which would for the first time provide the field with a National Training Academy. That concept had been in the original blueprint of the National Institute of Corrections. The original increase called for 2 positions, one professional and one clerical, and the funds to be able to provide the necessary support and management.

Now, at the same time, with the problems that Mr. Carlson has expressed to you, we wish that there were sufficient resources to be able to carry out some of the original intentions, but even a very small entity like the National Institute of Corrections has to do its part, to absorb a small part of the reductions. We will be able, however with the additional funds that are still in the budget, to enrich both the training opportunities for state and local corrections and also to increase some of our technical assistance efforts.

REDUCTION IN TECHNICAL ASSISTANCE

Mr. HIGHTOWER. How much of the reduction would be applied to technical assistance and how much of the reduction would be applied to grants to State and local correction organizations for improving their practices?

Mr. BREED. Of the approximately \$1 million that would be removed from the budget, we will lose about 100 technical assistance events, and we will be able to provide training for about 1,000 fewer participants than had been projected.

Mr. HIGHTOWER. Could you give us any idea what you think the effect of denial of this assistance is going to be on the States and local communities?

Mr. BREED. That is a very difficult question to answer, because so much of our training, has what we call a multiplier effect. For

example, if we train a manager, an administrator, middle manager or trainer, they go back and train others, and the long-range effect is not often seen for two to five years. Obviously we are not going to have the impact that we would have had if the budget request had not been reduced, but we at this juncture we are still able to keep abreast of at least emergency requirements, both in training and technical assistance. We should be able to do this with the increased funds requested.

Mr. HIGHTOWER. How much was unobligated in this account at the end of fiscal year 1980? Do you have that?

Mr. BREED. Yes, we do have that; of our total appropriation had not been encumbered officially, but actually all of our money had been encumbered in terms of preliminary agreements with state and local government although the final papers had not been yet processed.

INCREASES FOR INFLATION

Mr. HIGHTOWER. The justifications show an increase of \$984,000 for mandatory items. That amount is about 10 percent of the appropriation which was enacted for fiscal year 1981. Why are the uncontrollable items in this appropriation so high?

Mr. BREED. I think, first, I would like to call the committee's attention to the fact that from 1977 on we received no inflationary increases at all, so actually in terms of the true dollars that we are able to purchase today compared to 1977, we are not even able to keep abreast.

The majority of our work, both in training and technical assistance, requires a great deal of travel. In bringing the students into a training site or in sending consultants out to where the area that we are going to provide technical assistance, the inflation factors are the greatest because of travel increases. That is what this increase represents.

Mr. HIGHTOWER. The revised budget reflects an increase of \$893,000. The justification for this increase is rather vague. Can you tell us specific items that would be funded by this increase?

Mr. BREED. They include—and I would be very happy to provide more detail for the committee in writing—such uncontrollables as travel, which I have already mentioned. The costs that go along with that, printing, the health, salaries and the fringe benefits that go along with that.

Mr. HIGHTOWER. I think really we are talking about program increases, of \$893,000. Would you provide a list of the program increases? You have it under the heading "Highlights of Program Changes." If you can provide that list for the record, we would appreciate it.

Mr. BREED. I would be very happy to provide that, Mr. Chairman. [The information follows:]

NATIONAL INSTITUTE OF CORRECTIONS

The proposed increase of \$893,000 will allow the National Institute of Corrections (NIC) to extend its capacity to respond with appropriate services to the increasing requests for assistance, develop State agency capability to provide training and technical assistance to all correctional units within a state; and provide increased direct assistance to requesting agencies.

Specifically, these grant funds will enable the Institute to enhance its discretionary grant funding activity by providing training opportunities to 1,000 correctional managers, 500 additional personnel in specialty skill seminars such as fire safety, facility planning and cost effective alternatives to incarceration. Technical assistance efforts to an additional 100 requesting agencies on agency identified issues will also be provided. It is further considered that additional requests for information on current legal issues, staff development, jail operations and administration documents will be disseminated.

Mr. HIGHTOWER. Mr. Dwyer, do you have any questions?

Mr. DWYER. No questions, Mr. Chairman.

BUILDINGS AND FACILITIES

Mr. HIGHTOWER. I would like to move now, Mr. Carlson, to Buildings and Facilities. The request is for \$13,731,000, an increase of \$7,075,000 over the base amount. Could you furnish for the record a list of the projects that total this \$13 million?

Mr. CARLSON. Yes, we will.

[The information follows:]

Federal prison system buildings facilities request

Item/description:	Amount
1982 base program ¹	\$6,656,000
Program Increases (institution/project):	
Alderson—convert oil fired boiler to coal	105,000
Tallahassee—rehabilitate powerhouse	1,260,000
El Reno—boiler heat recapture	225,000
Lewisburg—rehabilitate power plant boilers, Ph. 2 of 2	190,000
Leavenworth—install steam absorption chiller	165,000
Texarkana—replace roofs and add insulation	180,000
Leavenworth—cellhouse conversion, Ph. 1 of 3	1,500,000
Leavenworth—building repairs	200,000
Lexington—upgrade sewage plant, Ph. 2 of 2 (Ph. 1—fiscal year 1981)	350,000
Ashland—rehabilitate domestic water and fire lines	250,000
Lewisburg—replace steam distribution	315,000
Danbury—replace plumbing	150,000
Leavenworth—replace fire water mains	150,000
Lompoc—construct receiving warehouse	270,000
Lompoc—install electric locking system in "J" housing unit	255,000
Alderson—renovate housing units (phase 2 of 4)	200,000
El Reno—improve perimeter security	345,000
Eglin—construct inmate serve building (Phase 2 of 2)	585,000
Petersburg—construct medical facility (clinic)	380,000
Total, program increases	7,075,000
Total increase	13,731,000

¹ Includes \$1.5 million for Oxford, Wisc. FCI lease-purchase payment; \$695,000 to cover cost escalation in building materials and supplies. Excluding the Oxford FCI payment, these funds will be used for approximately 210 repair and improvement projects which range in cost from \$4,000 to under \$100,000 each. Such projects include building restoration and repair, roads, utilities and roof repairs, painting, and some lower cost energy conservation projects.

UNOBLIGATED BALANCES

Mr. HIGHTOWER. At least two construction projects have been cancelled after funds were appropriated for them. Included were proposed facilities at Detroit, Phoenix and Camarillo, California. The \$18,550,000 for the Phoenix project plus \$1,250,000 in unobligated funds from the Camarillo project are the subject of budget deferral requests, and are scheduled for transfer to various Depart-

ment of Justice budget accounts to cover pay raises and other supplemental requests for fiscal year 1981.

What are the unobligated balances, if any, remaining in this account for the Detroit and Camarillo projects?

Mr. MOTE. Mr. Chairman, the unobligated balances for the Camarillo project at the present time are \$523,000, and the Detroit project \$35,000.

Mr. HIGHTOWER. What are the Bureau's plans for the use of these funds?

Mr. MOTE. Concerning Detroit, we are still trying to close out this account with the General Services Administration. There are a few open items that remain. Concerning the Camarillo account, some of that involves the GSA. Here again, we are trying to close some contracts that GSA has not yet voided. There may be a little surplus there, but we won't know the exact amount until after these matters are resolved.

Mr. HIGHTOWER. Would you provide for the record what amounts in your budget request are specifically earmarked for remodeling of the Leavenworth facility, improvements needed to meet accreditation standards in various facilities, improvements needed to help medical facilities meet accreditation standards, improvements needed to meet Federal safety and health standards, pollution control and energy efficiency standards and improvements needed to meet relevant standards of the National Fire Association. If you could furnish that for the record?

Mr. CARLSON. We will.

[The information follows:]

FEDERAL PRISON SYSTEM, BUILDING AND FACILITIES, SELECTED PROJECTS BY CATEGORY

Project category	Amount carried forward from 1981 unobligated balances	New budget authority requested in 1992
Conversion of Leavenworth Penitentiary.....	\$250,000	\$1,500,000
Medical facilities renovation.....	358,000	
Safety and health standards.....	200,000	
Pollution control.....	426,000	350,000
Energy conservation.....	873,000	2,125,000
NFPA standards.....	287,000	400,000

PROGRAM REDUCTIONS

Mr. HIGHTOWER. The revised budget request reflects a reduction of \$1 million from the original budget request for Buildings and Facilities. The revised justifications indicate that the proposed reduction will be accomplished by reducing the scope of one project and deleting two lower priority projects. What are these projects and why were they chosen for elimination?

Mr. MOTE. To be very candid with you, Mr. Chairman, I struck those from my notes here. I would like to furnish that for the record.

Mr. HIGHTOWER. If you would, please.

[The information follows:]

FEDERAL PRISON SYSTEM BUILDINGS AND FACILITIES PROJECTS DELETED FROM ORIGINAL REQUEST

[In thous. ds of dollars]

Institution/project	Original request	Revised request
El Reno—improve perimeter security (Discussion: Recent testing and evaluation of electronic perimeter systems has shown that a fence-mounted geophone system is more effective for this application than the more expensive ground sensors originally planned.)	\$450	\$345
El Reno—renovate housing (phase 3 of 3)	495	
Lompoc—rehabilitate food service (phase 2 of 3)	400	
(Discussion: a decision was made to accomplish both of these projects with inmate labor rather than by contract. This will extend the completion date. Additional funding for these projects will be given consideration in 1983.)		

ENERGY CONSERVATION PROJECT

Mr. HIGHTOWER. What are the energy conservation projects that you are going to undertake with the increase of \$2,125,000?

Mr. MOTE. Mr. Chairman, these are six different projects. At Alderson, West Virginia, we are going to convert one of our boilers from an oil-fired to a coal-burning boiler.

At Tallahassee we are rehabilitating a powerhouse. This is an original powerhouse that is out of date and in bad condition. We also are going to convert it from oil to coal.

At El Reno we are planning to put in a boiler heat recapture system which is cost effective with a relatively quick payback.

At Lewisburg we are planning to rehabilitate the boilers. Again, these are rather obsolete facilities and they need to be replaced. This project will upgrade them and make them more energy efficient.

At Leavenworth we are installing a steam absorption chiller which will be more economical than the variety of independent units that we have around the institution at the present time.

Finally, at Texarkana we are replacing the roofs and adding insulation. The roofs need to be replaced, and we will also upgrade the insulation to be more energy efficient.

Mr. HIGHTOWER. Thank you very much.

FEDERAL PRISON INDUSTRIES, INC.

We will next move to Federal Prison Industries. Under this item limitations are set on the administrative and vocational training expenses. The amount of the limitation requested for administrative expenses is \$2,264,000 and the amount of vocational training of prisoners is \$2,701,000. These amounts are \$85,000 more than the limitations established for fiscal year 1981. The justifications reflect an increase of \$85,000 and 3 positions for upgrading the marketing and design programs, and strengthening the internal audit program.

Mr. CARLSON. Mr. Chairman, the General Accounting Office as well as the Department of Justice audit staff have been auditing our industrial operations in recent years. As a result of some of the audit findings, we believe we must increase the number of civilian supervisors we have in those areas. Traditionally, we have relied

primarily on inmate labor to maintain the books and the records in our industrial programs and we find that we simply must expand the number of civilian accountants and auditors, in order to make sure that we are operating in conformance with GAO regulations.

Mr. HIGHTOWER. Do Department of Justice auditors oversee the corporation in the expenditure of funds?

Mr. CARLSON. Yes, they do. I should say rather than oversee. There is a board of directors that oversees the review and approves the expenditures and operations but the Department of Justice audit staff as well as GAO's audit staff review Federal Prison Industries on a regular basis.

Mr. HIGHTOWER. In 1979 you reported to Congress that you planned to broaden the market base of the corporation in terms of the types of products produced and the number of Federal customers. Why, then, is it necessary now to upgrade your marketing and design programs?

Mr. CARLSON. This is a part of that project or process, Mr. Chairman. It is important that we are able to identify the needs of the various government agencies and be able to produce to meet those needs.

Mr. HIGHTOWER. The President recently placed a moratorium on the purchase of all office equipment and furniture by executive agencies. What is the potential impact of this action on the Federal Prison Industries?

Mr. CARLSON. Mr. Chairman, fortunately they excluded Federal Prison Industries as well as blind-made products from that limitation, so we were not affected.

Mr. HIGHTOWER. The budget request also reflects a decrease of 50 positions for industrial supervision. How will this reduction affect the quality of the industrial program?

Mr. CARLSON. Mr. Chairman, that will bring the number of total authorized industrial positions staff down to about the on-board strength at the present time. It will have negligible impact on overall supervision of inmates.

Mr. HIGHTOWER. Thank you very much, Mr. Carlson.

MONDAY, MARCH 30, 1981.

**OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND
STATISTICS**

WITNESSES

**ROBERT F. DIEGELMAN, ACTING DIRECTOR, OFFICE OF JUSTICE AS-
SISTANCE, RESEARCH, AND STATISTICS**

**CHARLES A. LAUER, ACTING ADMINISTRATOR, OFFICE OF JUVENILE
JUSTICE AND DELINQUENCY PREVENTION**

**HARRY M. BRATT, ACTING DIRECTOR, NATIONAL INSTITUTE OF JUS-
TICE**

**BENJAMIN H. RENSHAW, ACTING DIRECTOR, BUREAU OF JUSTICE STA-
TISTICS**

ALLEN J. VANDER STAAY, BUDGET OFFICER

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-
TION**

CHARLES R. NEILL, CONTROLLER

WADE B. HOUK, DIRECTOR, BUDGET STAFF

Mr. EARLY [presiding]. The meeting will come to order.

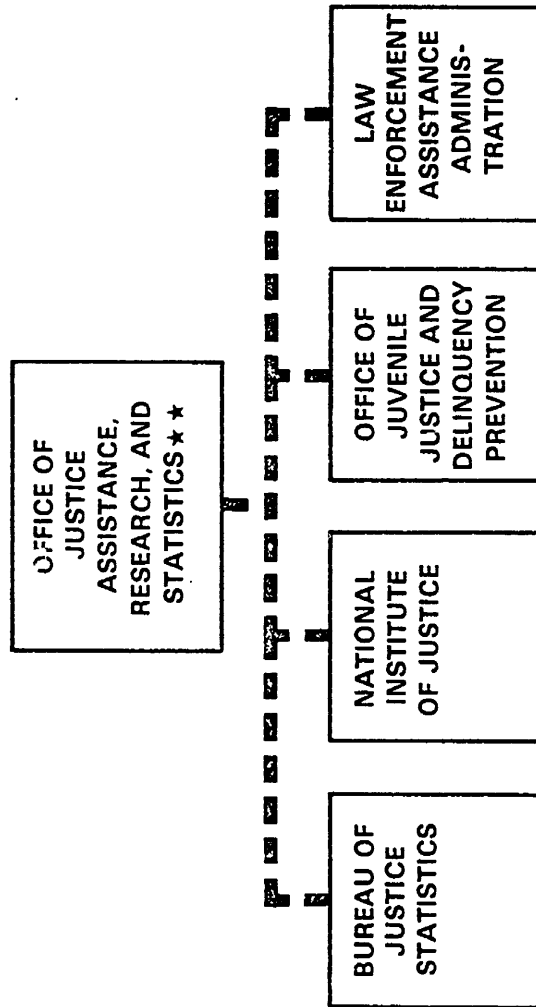
This afternoon we shall consider the 1982 budget request for the Office of Justice Assistance, Research, and Statistics. The justification for the Office are found under a separate tab in the justification book. The justifications in support of the amended budget request are also found in a separate tab in the justification book in support of the amended budget request. We will insert that material at this point in the record.

[The justification material referred to follows:]

Office of Justice Assistance, Research, and Statistics
Law Enforcement Assistance
Estimates for Fiscal Year 1982
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OJARS ORGANIZATION CHART ★



- ★ FINAL DETERMINATIONS FOR STAFF OFFICES AND UNITS BELOW BUREAU LEVEL HAVE NOT BEEN MADE.
- ★ ★ OJARS PROVIDES SUPPORT SERVICES TO AND COORDINATES THE ACTIVITIES OF BJS, NIJ, OJJDP AND LEAA.

Law Enforcement Assistance

Summary Statement

Fiscal Year 1982

The Law Enforcement Assistance program is requesting for 1982 to total of \$159,691,000, 222 permanent positions, and 272 workyears. This request is an increase of \$31,846,000 over the 1981 appropriation enacted and provides for a decrease of 168 positions and 238 workyears.

This appropriation is authorized by the Justice System Improvement Act (JSIA) of 1979, and the Juvenile Justice and Delinquency Prevention Act of 1974 as amended. These statutes provide for grant-in-aid programs to assist state and local units of government in improving the quality of their criminal and juvenile justice systems. In 1981, the Crime Control Programs administered by the Law Enforcement Assistance Administration were terminated in support of the President's anti-inflation program, and thus have no new budget authority for 1982. The budget activities which still remain are: (1) Juvenile Justice Formula Grants to participating states and territories; (2) Juvenile Justice Programs which provide a variety of categorical programs to public, private and citizen organizations; (3) Public Safety Officers' Benefits Program; (4) Executive Direction and Control of the Juvenile Justice Programs, and (5) Administrative support services for the remaining programs as well as continuation of the phase-out activities of the discontinued programs.

Juvenile Justice Formula Grants - The juvenile justice program administered by the Office of Juvenile Justice and Delinquency Prevention are authorized by the JJDOP Act of 1974 as amended. The largest program authorized is the formula grant program which provides grants to States and Territories on the basis of population under 18 years of age. To receive its share of funds, a State or Territory must submit an annual plan that meets the criteria of the Act. The majority of these funds have been spent to provide alternatives to incarceration of status offenders and separation of juveniles and adults in institutions. Of major significance to the juvenile justice programs is the elimination of the LEAA grant programs. This is because the law required that 19.15% of the LEAA grants be spent for juvenile justice programs; in 1980 \$45,000,000 of LEAA formula grants was committed to juvenile justice programs by State and local governments.

The Department is seeking a significant increase for this program to partially offset the loss of LEAA funds and to accelerate progress toward deinstitutionalization of juveniles.

Juvenile Justice Programs - The budget activity for Juvenile Justice Programs provides funds for (1) special emphasis programs to develop, demonstrate and implement effective programs and practices which will prevent or reduce delinquency, and improve the quality of the administration of justice (2) research, evaluation, demonstration and training projects in juvenile justice and delinquency prevention, (3) technical assistance to public and private organizations and citizen groups to develop and implement juvenile justice programs which prevent delinquency, offer alternatives to the system and improve the administration of juvenile justice and (4) coordination of all juvenile justice and delinquency programs in the Federal Government.

Additional resources are requested for 1982 for this program to offset the loss of LEAA funds for special emphasis initiatives begun in 1980 and scheduled for third year funding in 1982, and to establish a separate mechanism for providing technical assistance regarding the removing of juveniles from jails.

Public Safety Officers' Benefits Program - The Public Safety Officers' Benefits activity is a program authorized under Part I of the Justice System Improvement Act. Its purpose is to provide a death benefit of \$50,000 to survivors of a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty. The number of claims paid averages 250 a year.

Administrative Services, QUASS/LEAA - Although the LEAA program has been terminated, LEAA formula grants have a three year life, as do many categorical grants. Consequently, grants awarded in 1980 will still be active in 1982. In order to insure fiscal integrity and compliance with the intent of the laws governing the various programs, it will be necessary to monitor grants, make amendments as necessary, and close out grants when terminated. Additionally, there are still a large number of alleged Civil Rights violations which must be investigated and support services which need to be provided to the remaining organizations - the Office of Juvenile Justice, the National Institute of Justice, and the Bureau of Justice Statistics. The administration of the Public Safety Officers Benefits Program is also provided from this budget activity. This activity will be responsible for the phase-out efforts and for provision of certain support services. The administration of the Public Safety Officers' Benefits Program is also provided from this activity. A decrease of \$2,653,000 represents funds no longer needed due to the decrease of 63 permanent positions.

Executive Direction and Control, QJUDP - This activity includes staff and support services for the Office of Juvenile Justice and Delinquency Prevention.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Justification of Proposed Language Changes in Appropriation and Authorization Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Law enforcement assistance

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979 and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and other expenses in connection therewith, [\$127,845,000], to remain available until expended. [Provided that \$100,000,000 of said amounts shall be available only for grants authorized by Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.] \$159,691,000

Explanation of Changes

The deleted language is no longer necessary since the only other program funds requested are for the Public Safety Officers' Benefits Program.

NOTE: No authorization language is proposed for this appropriation because it is substantively authorized by the Justice System Improvement Act which does not expire until September 30, 1983.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Action on			Reprogramming			1981 Appropriation Anticipated		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
1. Juvenile justice formula grants.....	...	...	\$63,750	...	...	...	...	...	...	...	...	\$63,750
2. Juvenile justice programs.....	...	...	36,250	...	...	...	...	...	...	...	...	36,250
3. Public safety officers' benefit program.....	...	...	12,500	...	...	...	...	...	...	...	...	12,500
4. Executive direction & control, QUINS.....	35	58	1,564	...	...	...	-35	-58	-\$1,564	...	...	...
5. Executive direction & control, LEAA.....	153	200	6,189	...	...	...	-153	-200	-6,189	...	...	...
6. Administrative services, QUINS/LEAA.....	123	182	7,592	...	...	...	166	219	4,548	289	401	12,140
7. Executive direction & control, QUINS.....	...	...	...	...	...	...	101	109	3,205	101	109	3,205
Total.....	311	440	127,845	...	...	...	79	70	...	390	510	127,845

Explanation of Analysis of Changes from 1981 Appropriation Request

1. A reprogramming of reverted prior year funds was approved to permit the orderly and responsible phase out of the LEAA program. This allows for the maintenance of 79 positions that were not included in the 1981 budget request. These positions are necessary for the orderly phase out of LEAA programs.
2. Pay raise costs associated with Executive Order 12248, effective October 5, 1980, will be financed from reverted prior year program funds. The estimated cost of the October 1980 pay raise is \$1,192,000.

Office of Justice Assistance, Research and Statistics

Law Enforcement Assistance

Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	NY Amount
Summary of adjustments to base and built-in changes:		
1981 as enacted.....	311	440 \$127,845
Reprogramming.....	29	70
1981 Appropriation Anticipated.....	390	510 127,845
Transfer from other accounts:		
Research and Statistics, OJARS.....	-35	-30 -1,798
Department of Justice.....	-70	-67 -9,432
Uncontrollable increases.....	285	413 135,726
1982 base.....		

Estimates by budget activity	1980 Enacted		1980 Actual		1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
1. Juvenile Justice Formula Grants.....	...	\$ 63,750	...	\$ 59,468	...	\$ 63,750	...	\$ 69,679	...	\$ 88,875	...	\$ 19,196
2. Juvenile Justice Programs.....	...	36,250	...	53,832	...	36,250	...	38,598	...	46,020	...	7,422
3. Public Safety Officer's Benefits Program.....	...	10,000	...	11,631	...	12,500	...	12,500	...	12,500	...	...
4. Crime Control Programs.....	461	580 334,781	461	580 342,627	...	...	...	...	...	...	...	...
5. Administrative Services OJARS/LEAD.....	...	...	...	...	289	401 12,140	159	286 8,854	96	145 6,201	-63	-141 -2,653
6. Executive Direction and Control, OJOP.....	...	...	...	...	101	109 3,205	126	127 6,095	126	127 6,095	...	...
Total.....	461	580 444,781	461	580 467,558	390	510 127,845	285	413 135,726	222	272 159,691	-63	-141 23,965

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY Amount	Perm. Pos.	Perm. Pos.	WY Amount	Perm. Pos.	Perm. Pos.	WY Amount	Perm. Pos.	Perm. Pos.	WY Amount	Perm. Pos.	Perm. Pos.	WY Amount	Perm. Pos.	Perm. Pos.	WY Amount	
Juvenile Justice Formula Grants...	...	\$63,750	...	...	\$59,468	...	...	\$63,750	...	...	\$69,679	...	...	\$88,875	...	...	\$19,196
Juvenile Justice Programs:																		
Special emphasis .....	...	21,250	...	...	38,265	...	...	21,250	...	...	23,226	...	...	29,625	...	...	6,399
National Institute of juvenile justice and delinquency prevention .....	...	11,000	...	...	10,906	...	...	11,000	...	...	11,000	...	...	11,000	...	...	...
Technical assistance .....	...	3,000	...	...	3,188	...	...	3,000	...	...	3,279	...	...	3,279	...	...	...
Concentration of federal efforts .....	...	1,000	...	...	1,473	...	...	1,000	...	...	1,093	...	...	2,116	...	...	1,023
Public Safety Officers' Benefits Programs .....	...	10,000	...	...	11,631	...	...	12,500	...	...	12,500	...	...	12,500	...	...	...
Crime Control Programs	461	580 334,781	461	580 342,627	...	...	...	...	...	...	...	...	...	...	...	...	...
Administrative Services, QUARS/LEAA .....	...	...	...	...	...	289	...	401 12,140	159	286	8,854	96	145	6,201	-63	-141	-2,653
Executive Direction and Control, OJDP .....	...	...	...	...	...	101	...	109 3,205	126	127	6,095	126	127	6,095	...	...	...
Total	461	580 444,781	461	580 467,558	390	510 127,845	285	413 135,726	222	272 159,691	-63	-141	23,965					
Other Workyears																		
Holiday .....	...	5	...	...	5	...	...	...	...	...	...	...	...	5	...	...	...
Overtime .....	...	5	...	...	5	...	...	...	...	...	...	...	...	5	...	...	...
Total compensable workyears	585	585	585	515	418	277	...	...	...	...	...	...	...	277	...	-141	

Law Enforcement Assistance

Justification of Program and Performance

Activity Resource Summary

Activity: Juvenile Justice Formula Grants	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	\$63,750	...	...	\$69,679	...	...	\$88,875	...	...	\$19,196

Long-range goal: To provide financial and technical support to States and local units of government to implement the provisions of Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Major objectives:

To facilitate, through provision of technical/financial resources and national leadership:

- a. A 75% reduction in the number of status offenders and non-offenders held in juvenile detention and correctional facilities within three years from the date that each State/territory began participation in the JJDAP Act.
- b. Removal of all status offenders and non-offenders from juvenile detention and correctional facilities within five years from the date that each State/territory began participation in the JJDAP Act.

To assist in the development and implementation of a nationwide strategy for achieving by 1985 a 75% reduction in the number of juveniles held in adult jails and lock-ups and for achieving by 1987 removal of all juveniles from adult jails and lock-ups, in all States/territories participating in the JJDAP Act.

To facilitate through comprehensive planning and technical assistance, the development and implementation of statewide delinquency prevention strategies in each State/territory.

To ensure that 75% of each formula grant award is used to support advanced techniques, as described in Section 223(a)(10) of the JJDAP Act.

Base Program Description: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has created a Division of Formula Grants and Technical Assistance (FDGAD) to administer the Formula Grant Program. Each State or territory wishing to participate in the Program must submit to OJJDP a three-year comprehensive plan which describes how it will allocate its funds. FDGAD staff review each plan to assure its consistency with all provisions of the JJDAP Act, as well as OJJDP regulations regarding program implementation.

A monitoring system has been developed which allows JUDP to track State progress towards compliance with Section 223(a)(12) and (13) of the JUDP Act provisions, reflected in the decentralization and removal objectives noted above. States/territories which fail to achieve substantial or full compliance within the prescribed time frames are ineligible to receive additional Formula Grant funds until the required level of compliance is achieved.

Technical assistance is provided to the States and their subgrantees upon request. Technical assistance monographs have been developed and distributed to the States and local organizations regarding nearly all areas of juvenile justice and prevention programming, encompassing the advanced techniques as required by statute. In addition, the Office is developing discretionary programs which will make funds available for programs to remove juveniles from adult jails and lock-ups and to support delinquency prevention.

Accomplishments and workload: Accomplishments of the Juvenile Justice Formula Grants program are presented in the following table:

Item	Estimates		
	1979	1980	1981
Number of States and territories participating in program	51	51	51
Number of States in substantial compliance with deinstitutionalization requirements of the Act.	20	36	41
Number of States in full compliance with deinstitutionalization provisions	0	27	32
Number of States in compliance with separation requirements	5	19	26
Number of States with established, adequate monitoring systems	5	51	51

Section 223 of the JUDP Act directs States to deinstitutionalize status offenders/non-offenders and to remove all juveniles from detention or correctional facilities wherein they have contact with accused or convicted adults. States which do not meet these requirements are ineligible to receive formula grant funds under the JUDP Act. In 1980, all but six States and territories participated in the JUDP Act. Thirty-seven were due to be in substantial compliance with the deinstitutionalization requirements during 1980. Thirty-six were able to meet that requirement and thus received their 1980 formula grant award.

The December 1980 monitoring reports submitted by each participating State indicate that nineteen States are in full compliance with the JUDP Act requirements prohibiting placement of juveniles in detention or correctional facilities wherein they have regular contact with adults.

To date, nearly all States have enacted laws which will facilitate deinstitutionalization of status offenders. Twenty additional states report substantial progress toward meeting this goal. In practical terms, this means that approximately 173,250 status offenders/non-offenders are projected to have been removed from juvenile detention and correctional facilities by the end of 1981.

During 1980, formula grants staff developed a program designed to foster removal of juveniles from adult jails and lock-ups. Nearly six million dollars in discretionary funds is being awarded to State and local governments, public and private non-profit organizations, to facilitate and increase efforts begun under the formula grant program.

Finally, QJDP began in 1980 to conduct on-site verifications of the monitoring compliance reports which have been submitted by each participating State. These verifications have proven to be an effective method of assessing States' needs for technical assistance, training and legislative assistance.

Four monitoring compliance workshops were held to review State progress and to provide States with additional assistance in achieving compliance.

Program Changes: An increase of \$19,196,000 is requested for 1982 for the Juvenile Justice Formula Grants program. This increase will permit States/Territories to maintain current efforts towards comprehensive implementation of the JDP Act and continue approximately 1/2 of the successful juvenile justice programs supported with LZA maintenance of effort funds (no longer available because of termination of the LZA assistance program).

QJDP anticipates that the increase will enable an additional three States to join the program. Since no baseline data is available regarding the number of status offenders and non-offenders institutionalized in these States, we are not able to estimate the number of children who would benefit from their State's participation. We can project, however, that the level of effort towards deinstitutionalization would increase significantly at this level in those States striving to achieve compliance. Monitoring data submitted to QJDP by these States suggests that an additional 13,633 children would be deinstitutionalized. The best estimates available, however, indicate that there would still remain approximately 20,000 status offenders/non-offenders inappropriately detained within institutions.

The primary benefit derived from the increase will be the ability of States to develop and maintain additional and more appropriate community-based placements for young people. Such alternatives will facilitate compliance with both the deinstitutionalization and removal mandates of the JDP Act. It is important to recognize that many of the youths still requiring removal from juvenile detention and correctional facilities are those who can be characterized as "hard-to-place," that is, they may often need a wide range of specialized support services specifically designed to ensure their successful reintegration back into the community. This may present additional problems in rural areas which lack these types of services.

In addition to absorbing some of the shock generated by the loss of approximately \$50 million in LZA-related maintenance-of-effort funds, this Formula Grant program increase will enable States and localities to meet some of the most critically-needed community services for delinquent youth, including specialized group and shelter care homes, halfway houses, twenty-four hour intake screening, volunteer and crisis home programs, home probation, and other such services. The increase will also permit QJDP and the States to focus more intensively on the problem of juveniles who commit serious crimes, and to support initiatives directed at deterring illegal activity of juvenile gangs.

Activity: Juvenile Justice Programs	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
...	\$36,250	...	...	\$38,598	...	...	\$46,020	...	...
											\$7,422

Long-range goal: Develop and implement programs to prevent and reduce delinquency, offer non-system alternatives for youth, and improve the quality of the administration of juvenile justice.

Major objectives:

Develop knowledge regarding juvenile delinquency and related deviant behavior among youth, which can be effectively used to prevent, treat and reduce delinquent and deviant youth behavior.

Use knowledge acquired through applied research to develop programs which prevent delinquency, offer alternatives to the system and improve the administration of juvenile justice.

Disseminate knowledge developed through research, data collection, and syntheses to the juvenile justice community.

Develop and support training programs for juvenile justice and alternative systems practitioners and citizens involved in volunteer efforts.

Develop standards for the operation of juvenile justice alternative systems consistent with the major emphases of the JDP Act.

Demonstrate by 1983 the feasibility and effectiveness of selected juvenile justice and delinquency prevention programs, including treatment programs for violent and serious juvenile offenders, youth advocacy, alternative education, and delinquency prevention.

Replicate, on a nationwide basis, programs and strategies which have been proven through research, demonstration, and evaluation to be effective in the reduction and control of juvenile delinquency.

Provide assistance to state and local government units and private organizations for the development and implementation of new approaches, techniques and methods regarding juvenile delinquency programs.

Provide technical assistance to special emphasis and formula grantees and other groups or individuals to enhance their capability to develop and implement juvenile justice projects.

Maintain an appropriate level of support to the National Advisory Committee and the Federal Coordinating Council, and implement policy, develop objectives and priorities, and provide oversight for all Federal juvenile delinquency programs and activities.

Base Program Description: The National Institute of Juvenile Justice and Delinquency Prevention (NIJDP) awards grants and contracts for a broad range of applied research to add to the knowledge base regarding causes and correlates of delinquency. The data gained are used in designing and refining OJJDP's discretionary grant programs, which are evaluated by NIJDP. In addition, the office serves as the center for the collection, synthesis, and dissemination of information on the nature and extent of delinquency, justice system operations, and program information.

The Special Emphasis program has been structured and funded in ways which call national attention to distinct juvenile justice issues. Each initiative has been funded as a group of projects, with emphasis on overall program goals as well as specific project objectives; specific performance standards are set for delivery of services. Sizeable grants are made to permit comprehensive planning, and program planning, design and implementation are coordinated with the NIJDP and the Formula Grants and Technical Assistance Divisions.

Technical assistance is delivered in accordance with workplans which are developed by the recipient and the provider, and approved by OJJDP. The delivery methods that are used include on-site consultation, documentation, service brokering, workshops, training, and cluster meetings. In carrying out its coordinating functions, OJJDP works closely with the Coordinating Council and with the National Advisory Committee (NAC). The office provides staff assistance for both organizations, including arranging and scheduling meetings, providing background information and developing agendas. In addition, OJJDP awards grants and contracts to support activities of private non-profit groups and interagency efforts which lead to increased coordination of Federal juvenile programs and policies.

Accomplishments and Workload: Accomplishments of the Juvenile Justice Program activity are presented in the table below:

Item	Estimates		
	1979	1980	1981
Number of new Special Emphasis initiatives funded.	2	7	2
Number of Special Emphasis initiatives continued.	4	5	4
Inter-agency agreements entered into.	3	6	4
Technical assistance resource documents published, including state-of-the-art papers.	28	16	10
Number of discretionary grants awarded.	108	174	140
Instances of delivery of on-site technical assistance.	450	500	500
			1,125

The Juvenile Delinquency Prevention projects, which were initially funded under the November 1976 guidelines entitled Programs to Prevent Juvenile Delinquency, completed their third year of funding during 1980. The projects continued to provide a wide range of juvenile delinquency prevention and intervention activities in neighborhoods characterized by high risk factors such as unemployment, high drop-out rates and high crime rates. Twenty (20) thousand children and youth in 118 sites participated in the various activities including recreation, counseling, referral, job training and placement, and peer counseling and tutoring. Examples of cities which have benefited from these projects include: Seattle (Wash.), Boston (Mass.), Marietta (Ga.), Guilford (Mass.), New Haven (Conn.), and Philadelphia (Pa.). The projects were implemented by private, non-profit agencies in neighborhoods characterized by socio-economic indicators of disadvantage.

The School Crime Initiative helps to prevent the occurrence of crime and violence in and around schools through developing the capacity of local schools to use students, teachers, community persons and justice system personnel in developing school based initiatives which eliminate the causes of crime and violence. Thus far, 3,102 persons assistance were given; 4,000 persons participated in special presentations and 33 technical assistance bulletins were distributed to participants. A particularly valuable side effect of this initiative has been increased citizen/volunteer involvement, a major objective of the Special Emphasis Program. The first two projects of this initiative were implemented with the close cooperation of the Department of Education.

The Alternative Education Initiative seeks to prevent delinquency through the development of alternative education options for youths whose education and social development needs are not being met in traditional classroom settings in targeted jurisdictions where there is a disproportionately high rate of dropouts, suspensions and expulsions. Seventeen (17) such projects were funded by January 15, 1981. This initiative is being pursued with the close cooperation of the Department of Labor. Projects are being implemented in public schools and private agencies. Grantees are improving those educational policies, practices and procedures which impact services to youth.

The Juvenile Diversion projects funded under the Juvenile Justice System guideline will complete their final year of funding during 1980 and 1981. These projects have demonstrated various diversion methodologies including diversion by the police, juvenile court intake units and by private agencies. Projects have in several sites made significant systemic changes in juvenile justice processing, and have expanded resources not normally available to juvenile offenders. An example is the Florida project, operating in Orlando, Ft. Lauderdale, and Gainesville. As a result of the OJJDP Diversion project, a five million dollar training school was closed, diversion was expanded by the State to 20 counties with State funds, and a plan is in place to systematically cover the entire State by the end of 1982. Sixteen (16) universities and colleges have institutionalized diversion services as part of their curriculum for students, and associated medical and dental schools are providing free care for diverted youth.

The Restitution Initiative is completing the second of three years. Its objective is to implement programs which reduce incarceration of adjudicated juvenile offenders by supporting their ability to make monetary restitution to victims, or perform victim or community service. Thirty-eight (38) of the original 41 projects remain operational; two have voluntarily withdrawn from the program and one has been terminated. As of September 30, 1980, 13,274 referrals to the projects had been made and 9,261 cases had been closed. Referred offenders have paid more than \$825,000 in monetary restitution, worked more than 138,000 hours of community service and performed nearly 3,700 hours of victim service.

Project New Pride establishes non-residential community-based treatment projects for adjudicated youth with a history of serious offenses. The Denver (Colorado) New Pride Project was selected for replication by OJJDP/LEA because of its demonstrated effectiveness in working with a target population of serious juvenile offenders through a core of integrated and comprehensive services which have been described as a "holistic approach". The program model is based on reducing recidivism, improving social functioning, and increasing academic achievement, job skills and employment of youths who have repeatedly failed in traditional programs. Ten sites in seven states have been selected to test the effectiveness of replicating this model. These sites include: Boston (Mass.), Providence (R.I.), Pensacola (Fla.), Washington, D.C., Camden (N.J.), Kansas City (Mo.), Chicago (Ill.), Los Angeles, San Francisco, and Fresno (Calif.). This demonstration program will run for three years.

The Violent Juvenile Offender Initiative seeks to implement action programs designed to meet the special need of the violent juvenile offender in the juvenile justice system in an effort to reduce the incidence of repeat serious offenses. In May 1980, OJJDP issued a program announcement/guideline soliciting proposals for the National Coordinator for the Part One V.J.O. Program. A cooperative agreement was awarded in September 1980, and in addition an SBA (8-a) contractor was selected in September 1980 to develop Part Two of this initiative. Models for larger-scale program replication should be available during 1982 so that States may confidently direct more of their available formula funds to address the problem of the violent juvenile offender.

The Program to Remove Juveniles from Adult Jails and Lock-ups is primarily designed to assist communities in developing and implementing a systematic plan for meeting the requirements of Section 223 (a)(13) of the JDP Act through the removal of juveniles from adult jails and lock-ups. This initiative will be undertaken in two phases. The initial phase will be the development of a systematic plan for removing juveniles in a selected number of target jurisdictions. The second phase will be implementation of that plan in those jurisdictions whose planning process and results support the need for program alternatives.

In 1980, the Special Divisions Division issued a guideline inviting proposals in the area of Capacity Building. From 540 applications received, 15 projects were selected for funding in 1981. These projects, totaling \$6.7 million, will be implemented by neighborhood organizations and community groups, as well as more traditional youth serving agencies and advocacy organizations. A second cycle will be funded at a level of \$1.7 million later in 1981. This program impacts directly upon Section 224(a)(4) of OJJDP's authorizing legislation.

During April through September 1980, 22 Youth Advocacy grants were awarded throughout the United States. The Youth Advocacy grantees are located in 20 states, including the southeast, midwest, and western parts of the United States. Projects will focus on improving the education and social services systems as they interrelate with juvenile justice operations. Public information programs, coalition building and networking with other organizations will be used to improve the services for children and youth who invariably come into contact with these systems. This program is intended to facilitate the establishment of policies and services which will safeguard the rights of youth, assure due process, strengthen family ties, and reduce inappropriate intervention into the lives of youth and their families. It is further anticipated that these projects will assist in the establishment of mechanisms for increased public accountability of youth serving agencies, and the provision of more effective educational opportunities for youth. The 22 Advocacy grantees will be reviewed throughout the two-year funded period to determine their rate of progress and success; any third year funding will be dependent upon the availability of funds and individual project success.

The Delinquency Prevention Research and Development Program is a major new program on delinquency prevention consisting of two parts. The first part is a test in one community of the comprehensive model which focuses on the family, school, peer groups, and employment. It is anticipated that this test will require a minimum of 5 years to complete. The second part involves a test of school-based prevention programs in four to six communities, based on the most promising strategies which are compatible with the school-based components of the comprehensive model. Seven projects totaling \$3 million received grant awards in FY 1980.

Technical assistance funds were spent in the areas of: Alternative Responses to Delinquent Behavior, Delinquency Prevention, Youth Advocacy and Project New Pride. Through these contracts and grants, as well as through efforts funded in prior years, OJJDP was able to deliver nearly 500 instances of technical assistance. Two needs assessments were conducted, which resulted in the delivery of technical assistance which has been coordinated with OJJDP's national TA strategy and delivered in accordance with established workplans and priorities. In addition, OJJDP staff organized and conducted a technical assistance workshop for members of each State Advisory Group. Approximately 350 members attended the workshop. A national student design competition was conducted which involved the participation of students at 25 colleges and universities, focusing on site selection techniques, renovation options and construction costs for small, open community-based shelter programs.

The following items were accomplished in 1980 by the National Institute for Juvenile Justice Delinquency Prevention:

Direct training provided for over 3,000 individuals.

Completion of National Advisory Committee Standards for the Administration of Juvenile Justice.

Completion of Institute for Judicial Administration/American Bar Association Juvenile Justice Standards.

Draft policy developed for OJJDP standards implementation activities.

OJJDP clearinghouse established.

13 new reports published through GPO (numerous others made available through other means).

1979 Census of Juvenile Detention and Correctional Facilities completed.

Design completed and implementation phase begun for a major R&D Delinquency Prevention Program.

Program development work begun and completed in 1980 for three new OJJDP action program initiatives (Youth Advocacy, Youth Violence, Alternative Education).

Refinements completed on National Juvenile Justice Statistical Reporting System; results helped determine OJJDP 1981 priorities.

Completion of R&D Program on Learning Disabilities and Juvenile Delinquency; action program component results incorporated into New Pride Replication program.

Completion of two national evaluations of OJDP major action program initiatives (deinstitutionalization of status offenders and delinquency prevention).

Numerous research projects completed; results being prepared for dissemination.

New minority research program initiative developed for project funding early in 1981.

New and continuation research projects developed for funding in 1980-1981 under the Unsolicited Research Program.

Program Changes: An increase of \$7,422,000 is requested for 1982 for Juvenile Justice Programs. Because of the absence of L2AA maintenance-of-effort (MOE) funds in 1982, OJDP must provide third year funding to the 3-year MOE programs initiated in 1980. This would not leave sufficient funds to undertake a new incentive program regarding removal of juveniles from adult jails. (However, \$1.5 million would be available to augment the activities of the grantees funded under the 1980 "Removal of Juveniles from Adult Jails and Lock-Ups" demonstration program. This assistance would primarily be in the form of a set-aside for specialized technical assistance, and regulations to guide State implementation.)

The requested increase could allow OJDP to meet its current funding commitments and to make a very modest beginning toward meeting the new program development responsibilities contained in the Juvenile Justice Act of 1980. For example, the increase will allow provision of the final year of funding to all OJDP Special Emphasis Initiatives which were initially funded in 1980 and scheduled for award of their third and final year in 1982. As summarized in the previous section, these are of critical importance if States are to be assisted in the identification of workable models for effectively diverting juveniles from unnecessary involvement in the traditional juvenile justice and correctional systems (for example, through increased use of restitution).

The increase will also permit establishment of a distinct mechanism for providing technical assistance in the area of removing juveniles from adult jails and lock-ups. Jail removal is a major policy objective within the new Juvenile Justice Act, with States being required to achieve full compliance in not more than seven years. Successful implementation of this removal initiative will require a concerted effort throughout all OJDP programs. The enhanced technical assistance capability and comprehensive costs assessment to be conducted by the Juvenile Justice Institute (completion due within 18 months) will help ensure that States pursue this objective in a cost-effective manner. Additional Special Emphasis funds will provide incentives to those States ready to move toward compliance with the jail removal mandate.

Interagency agreements, such as those described above which have been jointly funded with the Department of Labor and the Department of Education, can be carried through to completion. OJDPE will continue to encourage a more active role for the Federal Coordinating Council, with a particular focus on the channeling of available Federal resources toward high priority juvenile delinquency prevention strategies. These could well involve a more systematic approach to the particular problems of learning disabled and emotionally or physically handicapped youth, an underserved population often associated with delinquency problems. Increased funds will also ensure that model treatment programs are designed relating to juveniles who commit serious crimes. Finally, the additional resources will support implementation of the juvenile justice standards recently produced by the National Advisory Commission in close consultation with OJDPE.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
	Pos.			Pos.			Pos.			Pos.	

Activity: Public Safety
Officers' Benefits
Program

... ... \$12,500 \$12,500 \$12,500

Long-range goal: To provide a death benefit of \$50,000 to survivors of a public safety officer who has died as the result of a personal injury sustained in the line of duty.

Major Objectives:

To pay eligible claims within two weeks of the filing of a fully documented claim.

To issue determinations on ineligible claims within six weeks of the filing of the claim.

Base Program Description: Efforts are made to communicate the existence of the program to state and local public safety agencies. This is achieved by mass mailing, publications by trade and news media and coordination with public safety officers associations and unions.

To expedite the claim filing process, an administrative tracking system is used, which provides for letters and telephone calls to be initiated every five weeks until the claim has been filed and fully documented. Also, upon being notified of a death, phone calls are immediately placed to the employing agency to initiate the claim process. This procedure provides the employing agency with brief information on filing a claim. Following the telephone call the necessary forms and instructions are mailed.

Accomplishments and Workload: Accomplishments of the Public Safety Officers' Benefits Program are presented in the following table:

	1979	1980	1981	1982
Claims.....	322	280	300	300
Claims closed.....	353	310	310	330
Claims paid.....	258	250	250	250
Appeals requested.....	38	26	30	30
Appeals closed.....	41	33	33	30

The PSOB program in its initial effort to increase public awareness of the program, conducted numerous presentations to public safety agencies, published various articles in law enforcement and firefighter newsletters and magazines and mailed PSOB literature to all police and volunteer fire departments. As a result of these efforts the public's awareness of the program has been effectively enhanced.

During 1980, 280 new claims were filed and 26 decisions were appealed. Of this number it is anticipated that 250 will be eligible for benefits. The number of new claims has decreased compared to the 326 filed in 1979. This is due to an increased awareness that certain heart attack deaths are not eligible under the Act.

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Activity: Crime Control Programs

This activity has been terminated to support the President's anti-inflation program and has no new budget authority for 1981 and 1982. The activity is still shown in this submission to capture expenditures of previously obligated funds.

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Activity: OJARS/L2AA Administrative Services	289	401	\$12,140	96	145	\$6,201	96	145	\$6,201	...	...
Long-range goal: Phase out programs formerly funded under the Law Enforcement Assistance appropriation.											

Major objectives:

Assure that Federal funds currently either unexpended or in some other stage of activity are efficiently and effectively expended in compliance with Federal laws and regulations, and that all monies are properly accounted for.

Investigate civil rights complaints and conduct compliance reviews.

Administer the Public Safety Officers Benefits (PSOB) program.

Encourage the continuation of criminal justice improvement programs of proven effectiveness.

Provide assistance to State and local agencies during the phase out process.

Provide support services to the continuing programs of the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention.

Base Program Description: The Justice System Improvement Act (JSIA) of 1979 restructured the criminal justice assistance programs managed by the Law Enforcement Assistance Administration (LEAA); improved the research and statistics program administered by the National Institute of Justice and the Bureau of Justice Statistics, respectively; and created a new support and coordinating agency, the Office of Justice Assistance, Research and Statistics. In fiscal year 1980 OJARS has provided all support services for the research, statistics and assistance programs. These services have included financial management, Congressional liaison, public information, accounting, legal assistance, audit and other administrative activities. LEAA has developed and implemented criminal justice priority and discretionary grant programs and managed the financial assistance program for the States. LEAA has also had responsibility for the PSOB and juvenile justice programs.

Due to the decision to terminate the LEAA criminal justice assistance programs, a reorganization proposal was developed to assure that the LEAA criminal justice programs are responsibly phased out and that on-going programs (juvenile justice, PSOB, research and information, accounting, legal assistance, audit and other administrative activities). LEAA has developed and implemented criminal justice priority and discretionary grant programs and managed the financial assistance program for the States. LEAA has also had responsibility for the PSOB and juvenile justice programs.

Due to the decision to terminate the LEAA criminal justice assistance programs, a reorganization proposal was developed to assure that the LEAA criminal justice programs are responsibly phased out and that on-going programs (juvenile justice, PSOB, research and statistics) have the staff and resources to continue. The reorganization proposal was submitted to the Congress in December 1980. However, several members of the House and Senate Judiciary Committees suggested that the reorganization not be implemented until the new Administration has an opportunity to review the JSIA programs and make recommendations for their future.

Congress and the Department of Justice have determined that the criminal justice assistance programs are to be phased out in a responsible manner so that monies are expended in compliance with Federal laws and regulations and all funds are properly accounted for. Due to the three-year funding cycle, about \$1 billion is currently either unexpended or in some other stage of activity. For both formula and categorical monies, significant sums will remain both available for obligation and expenditure until well in FY 1982, and some monies will remain active through part of 1983. Contingency plans prepared by OJMS/LEAA have identified the workload remaining if the phase out is to be orderly and responsible: 2,000 categorical grants totaling \$512 million must be monitored and/or closed out; 142 contracts involving \$128 million are either on-going or awaiting closeout; 200 civil rights complaints are open with an additional 100 expected by the end of 1981; and \$600 million is active in about 15,000 active formula grant projects. In addition, OJMS/LEAA staff will be responsible for providing accounting, information systems, and legal assistance, processing 300 PSOB claims and providing technical assistance to about 100 state and local agencies.

Accomplishments and Workload: Accomplishments of the OJMS/LEAA Administrative Services activity are presented in the following table:

Item	Estimates	
	1981	1982
Civil rights complaints successfully resolved.	93	81
Compliance reviews conducted.	355	400
PSOB claims filed.	326	280
Categorical grants, agreements and contracts close out.	310	328
Quarterly financial and progress reports reviewed.	6,000	5,000
Administrative hearings and litigation.	55	60
Instances of close out assistance to State and local agencies.	120	150
Active projects monitored.	620	616
Categorical grant adjustments transacted.	3,750	3,900
Formula grant adjustments transacted.	1,000	1,150

	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Activity: Executive Direction and Control QJDP											
101		109	\$3,205	126	127	\$6,095	126	127	\$6,095	...	...
Long-range goal: Provide efficient and effective management, direction and control to the QJDP program.											

Major Objectives:

Administer and direct the Juvenile Justice Formula Grant Program.

Administer and direct the Special Emphasis program.

Administer and direct the Concentration of Federal Effort program.

Provide staff support to the National Advisory Committee and the Federal Coordinating Council.

Support research relating to Juvenile Justice and Delinquency Prevention.

Provide technical assistance to public and private agencies, institutions, and individuals.

Prepare an annual report of the results achieved by Federal Juvenile Delinquency programs.

Establish training programs for persons whose work relates to Juvenile Delinquency programs.

Provide a clearinghouse and information center for the collection and dissemination of Juvenile Justice material.

Develop and support implementation of Juvenile Justice standards.

Supplement and refine by 1982 established procedures to be used for the annual submission to the Administrator of a Juvenile Delinquency Development statement by each Federal agency administering Juvenile delinquency programs.

Basic Program Description: This activity is responsible for the administration of various programs and activities required by the Juvenile Justice and Delinquency Prevention Act of 1974 as amended. Objectives are accomplished primarily through the award of grants, contracts and cooperative agreements. For 1982, no additional resources are requested for this program. This will be the first year during which OJJDP will operate as a semi-autonomous bureau, under the general authority of the Attorney General. The identified base program level recognizes two distinct factors: (a) the chronic understaffing of professional program and clerical staff that has existed within OJJDP since its inception, and (b) the requirement within the Juvenile Justice Reforms of 1980 (P.L. 96-509) to move toward independent staff capabilities for this program's operation. A capacity for conducting financial management will be transferred from OJUS' existing capability in order to ensure compliance with federal standards and to maintain administrative control. Congressional affairs, public information, and liaison with various interest groups are basic support activities required for OJJDP to operate in a self-contained and independent manner. The base program also includes positions needed to carry out policy formulation, program planning, and analysis. Finally, the recently-authorized Juvenile Justice Act adds a number of new responsibilities, with immediate implications for staff support. For example, statutory membership of the Coordinating Council on Juvenile Justice and Delinquency Prevention is significantly expanded, with OJJDP's Administrator being directed to provide such staff support as is necessary to the Council. At the base level indicated, OJJDP will conduct these fundamental support activities, as well as adequately process, award and monitor grants and contracts from a programmatic standpoint.

Accomplishments and Workload: Accomplishments of the OJJDP Executive Direction and Control Activity are presented in the following table.

Item	Estimates		
	1979	1980	1982
Special Rephasis grant applications received.	147	1,149	361
Special Rephasis grants awarded.	108	125	71
Active Special Rephasis grants monitored.	309	175	200
Juvenile Justice comprehensive plans reviewed and formula grants awarded.	50	51	55
Instances of technical assistance delivered.	500	500	1,500
NJJDP grants awarded.	39	35	49
Active NJJDP grants monitored.	50	60	74
NJJDP reports published.		25	60
			75

In addition to the program and project management-related workload noted above, OJJDP staff have been actively pursuing opportunities for a more focused targeting of available public and private resources on the problem of juvenile delinquency. As an example, OJJDP staff is facilitating discussions among private, corporate, and community foundations which have expressed some interest in improving the administration of juvenile justice within their respective communities. In addition, in conjunction with OJJDP's primary responsibility regarding the Federal Coordinating Council mandate, staff has been routinely meeting with representatives of other Federal agencies which administer programs related to delinquency prevention. OJJDP and the Council have a shared responsibility to ensure that these other programs are implemented in a manner consistent with the new Juvenile Justice Act. Staff is working directly with Department of Health and Human Services officials regarding its implementation of two separate and recent pieces of legislation—the Adoption Assistance and Child Welfare Act of 1980, and the Mental Health Systems Act. Efforts of this type can lead to a more effective use of these Federal resources made available for delinquency prevention related purposes.

Office of Justice Assistance, Research and Statistics

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Section 816(a) of the Justice Systems Improvement Act of 1979 requires the Agency to submit to the President and the Congress by March 31 of each year, an annual report on activities pursuant to parts D, E, F, and G. The report for 1980 is almost complete and will be submitted to the Congress by March 31. Since no funds were provided for these sections of the Act in 1981 or 1982, this report will not be submitted for those years.
2. Section 816(b) of the Justice Systems Improvement Act of 1979 required the Agency to submit to the Congress a comprehensive report on the agencies' programs not later than three years after the date of enactment of the JSIA. This report cannot now be made since funding has not been provided for the programs to be reported on.
3. Section 816(c) of the Justice Systems Improvement Act required that Agency to submit to the Congress a plan for the collection evaluation and analysis of data to be supplied in the report required by section 816(b). This plan was submitted to the Congress but unfortunately, due to the lack of program funds, the plan will not be implemented.
4. Section 815(c)(2)(B) of the JSIA required Chief executives of jurisdictions reaching civil rights compliance agreements with OJARS "shall file semiannual reports with the Office of Justice Assistance, Research, and Statistics detailing the steps taken to comply with the agreement." Due dates for receipt of these reports depends upon the terms of the individual resolution agreement. Reports are received at various times according to the compliance agreement. They are monitored by the Office of Civil Rights Compliance on a continuing basis.
5. Section 204(b)(5) and (d)(1), (d)(2), and (e) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 as amended requires that the Administrator of JJDP shall develop annually with the assistance of the Advisory Committee and Coordinating Council, and submit to the President and Congress prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs. Particular information is required in different years. This report is being prepared and will be submitted on or about February 1, 1981.
6. Section 204(c) of the JJDP Act requires that the President shall, no later than 90 days after receiving the S204(b)(5) report, submit a report to Congress and the Coordinating Council containing a detailed statement of any action taken or anticipated with respect to recommendations in the report. This report will be prepared and submitted within 90 days after the report required by section 204(b)(5) is completed.
7. Section 207(e) of the JJDP Act required that: "Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary and appropriate." The annual report is currently in process and will be submitted to the President and Congress by March 31, 1981.

8. Section 223(a) of the JDP Act requires that each state participating in the program submit a three year comprehensive plan and an annual performance report. The plans and reports have been received and reviewed by the Office of Juvenile Justice and Delinquency Prevention.
9. Section 246 of the JDP Act requires that the Deputy Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Administrator prior to September 30, a report on research, demonstration, training and evaluation programs. The Administrator is to include a summary of results and recommendations in the report to the President and Congress under 5004(b)(5). This report has been written and will be submitted to the President and Congress by January 31, 1981.
10. Section 247(b) of the JDP Act requires that the Advisory Committee shall submit to the President and Congress a report on recommended standards relating to juvenile justice. This report has been completed and printed and is currently being distributed.
11. Section 17 of the Juvenile Justice Amendments requires the Administrator of OJJDP to report within 18 months of December 8, 1980 to Congress regarding the cost and implications of the requirements regarding removal of juveniles from adult jails and lockups. The office will soon begin work on gathering data for this report which is due on or before June 8, 1982.

Office of Justice Assistance, Research, and Statistics

Law enforcement assistance

Summary of Adjustments to Base and Built-in Changes

	Perm. Pos.	Work- Work	Amount
1981 as enacted.....	311	440	\$127,845
Reprogramming for additional support staff.....	79	70	...
1981 appropriation anticipated.....	390	510	127,845
Adjustments to base and built-in changes:			
Transfers to and from other accounts:			
Decentralization of support services.....	-35	-30	-1,798
Consolidation of OJARS audit staff with Department of Justice audit office.....	-70	-67	...
Total, transfer.....	-105	-97	-1,798
Uncontrollable increases:			
Annualization of 1981 pay increase.....	...	...	1,013
Within-grade increases.....	...	...	88
Retirement contribution-social security (FICA).....	...	...	7
Health benefits costs.....	...	...	25
Federal Employees Compensation Act (FECA).....	...	...	26
GSA recurring reimbursable services.....	...	...	5
Federal Telecommunications System (FTS).....	...	...	69
Travel costs - airfare increases.....	...	...	88
GPO printing costs.....	...	...	22
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	2
Department printing and reproduction costs.....	...	...	8
General pricing level adjustment.....	...	...	8,326
Total, uncontrollable increases.....	...	...	9,679
1982 Base.....	285	413	135,726

Office of Justice Assistance, Research, and Statistics

Law enforcement assistance

Adjustments to Base and Built-in Changes
(Dollars in thousands)

	Perm. Pos.	Perm. work- years	Amount
Transfers to and from other accounts:			
1. Transfer to Research and Statistics.....	-35	-30	-\$1,798
This transfer represents the decentralization of support services previously furnished by OJARS.			
2. Transfer to the Department of Justice.....	-70	-67	...
This transfer represents consolidation of the OJARS audit office with the central Department			
Internal Audit Staff.			
Total transfers.....	-105	-97	-1,798

Uncontrollable increases:

1. Annualization of October 1980 pay raise.....	...	...	1,013
This provides for annualization of the October 5, 1980 pay increase resulting from Executive Order			
12248. There are 261 compensable days in 1981 and three days (October 1 - 3, 1980) were not			
included in the pay raise. No additional funds were provided in 1981 for the pay increase;			
funds were reprogrammed from prior year reverted accounts to meet the pay raise amount of			
\$1,192,000. The calculation of the amount required for annualization is:			
3/261 x Amount of pay raise.....			7,000
1981 Absorption of pay.....			1,192,000
1981 Pay increase for 35 positions transferred to Research and			-104,000
Statistics in 1982.....			-82,000
Decrease of 63 positions in 1982.....			1,013,000
Total annualization.....			...
2. Within-grade increases.....	...	...	88
This request provides for an expected increase in costs as a result of within-grade salary			

Perm. Pos.	Perm. Work- Years	Amount
		increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions (Personnel compensation \$79,200 and benefits \$8,800 = \$88,000)
3.	...	7
		Retirement contributions - Social Security (FICA)..... Beginning January 1, 1982, the base on which earnings for Social Security computations are calculated will increase from \$29,700 to \$31,000. The rate will increase from 6.65 percent to 6.70 percent. This increase is computed for 31 eligible employees.
4.	...	25
		Health benefits costs..... The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on government costs. The requested increase of \$25,000 provides for payment of the average rate percent over the \$203,000 now available.
5.	...	26
		Federal Employees Compensation Act (FECA)..... The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 billing will be \$224,000 or \$26,000 over the 1981 estimate of \$198,000.
6.	...	5
		GSA recurring reimbursable services..... The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$5,000 will provide the same level of service in 1982 as in 1981.
7.	...	69
		Federal Telecommunications System (FIS)..... The FIS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$69,000 over the base of \$202,000.
8.	...	88
		Travel costs - airfare increases..... Although airline fares are subject to less regulation as a result of the Deregulation Act, and
		27

	Perm. Pos.	Perm. Work- years	Amount
9. regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$88,000 over the base of \$251,000.	22
70 printing costs.....	22
The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$22,000 over the base of \$244,000.	2
10. Printing costs for the Federal Register and Code of Federal Regulations.....	2
The Legislative Branch Appropriation Act of 1978 (P.L. 95-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations. The current cost estimates from GPO reflect an increase from \$320 per page to \$408 per page for the Federal Register. The requested uncontrollable increase provides funding for 23 pages.	8
11. Department printing and reproduction costs.....	8
Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$8,000 over the base of \$89,000.	8
12. General pricing level adjustment.....	8,326
This request applies to G48 pricing guidance as of August 1980 to selected expense categories. The increased costs identified result from applying a factor of 9.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1982 estimates.	8,326
Total uncontrollable increases.....	9,679
Total, adjustments to base and built-in changes.....	-105	-97	7,881

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Office of Justice Assistance, Research, and Statistics

Law enforcement assistance

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Juvenile Justice Grants		Special Emphasis		Juvenile Justice Programs		Concentration of Federal Efforts		Administrative Services, QJWS/LEAA		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS/GA-15.....	-7	-312	-7	-312	-7
GS/GA-14.....	-5	-189	-5	-189	-5
GS/GA-13.....	-5	-160	-5	-160	-5
GS-12.....	-1	-27	-1	-27	-1
GS-11.....	-12	-270	-12	-270	-12
GS-9.....	-1	-19	-1	-19	-1
GS-7.....	-12	-182	-12	-182	-12
GS-6.....	-9	-123	-9	-123	-9
GS-5.....	-10	-123	-10	-123	-10
GS-4.....	-1	-12	-1	-12	-1
Total positions and annual rate.....	-63	-1,417	-63	-1,417	-63
Lapse (-).....	-78	-936	-78	-936	-78
Total workyears and personnel compensation.....	-141	-2,353	-141	-2,353	-141
Personnel benefits.....	-209	...	-209	...
Travel and transportation of persons.....	-55	...	-55	...
Other Services.....	-26	...	-26	...
Supplies.....	-10	...	-10	...
Grants, subsidies, and contributions.....	...	\$19,196	...	\$6,399	...	...	...	...	...	...	...	25,595
Total workyears and obligations, 1982.....	...	19,196	...	6,399	...	1,023	...	-141	-2,633	-141	-2,633	23,965

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1981 Estimate		1982 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	416	\$ 11,905	215	\$ 6,625	-201	\$ 5,280
11.3 Positions other than permanent:						
Part-time permanent.....	50	700	30	420	-20	-280
Temporary employment.....	40	509	24	352	-16	-157
Other part-time and intermittent employment.....	4	80	3	60	-1	-20
11.5 Other personnel compensation:						
Overtime.....	5	134	5	142	...	8
Other compensation.....						
Total workyears & personnel compensation.....	515	13,328	277	7,599	-238	-5,729
12 Personnel benefits.....						
21 Travel and transportation of persons.....		1,277		712		-515
22 Transportation of things.....		610		351		-259
23.1 Standard level user charges.....		8		6		-2
23.2 Communications, utilities & other rent.....		1,498		1,122		-376
24 Printing and reproduction.....		926		774		-152
25 Other services.....		513		305		-208
26 Supplies & materials.....		7,335		6,747		-788
31 Equipment.....		100		50		-50
41 Grants, subsidies, & contributions.....		20		...		-20
42 Insurance claims and indemnities.....		111,330		129,525		18,195
		13,957		12,500		-1,457
Total obligations.....		151,052		159,691		8,639
Relation of obligations to outlays:						
Obligated balance, start of year.....		575,796		278,886		-296,910
Obligated balance, end of year.....		-278,886		-164,073		-114,813
Outlays.....		247,962		274,502		26,540

Office of Justice Assistance, Research and Statistics

Law Enforcement Assistance

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$55,388.....	1		1		...	
Executive Level IV, \$52,750.....	1		1		...	
Executive Level V, \$50,112.....	1		1		...	
ES-4, \$50,112.....	6		5		-1	
ES-2, \$50,112.....	1		1		...	
GS/GM-15, \$44,547-50,112.....	33		16		-17	
GS/GM-14, \$37,871-49,229.....	42		18		-24	
GS/GM-13, \$32,048-41,660.....	62		35		-27	
GS-12, \$26,931-35,033.....	55		35		-20	
GS-11, \$22,486-29,126.....	37		18		-19	
GS-9, \$18,585-24,165.....	25		17		-8	
GS-8, \$16,826-21,875.....	4		4		...	
GS-7, \$15,193-19,747.....	34		16		-18	
GS-6, \$13,672-17,776.....	31		20		-11	
GS-5, \$12,266-15,947.....	38		20		-18	
GS-4, \$10,963-14,248.....	12		8		-4	
GS-3, \$9,766-12,700.....	7		6		-1	
Total, appropriated positions.....	390	\$11,080	222	\$6,772	-168	\$-4,308
Pay above stated annual rates.....	...	48	...	28	...	-20
Lapses.....	26	784	-7	-175	-33	-959
Savings due to lower pay scales for part of year.....	...	-7	...	...	...	...
Net permanent.....	416	11,905	215	6,625	-201	-5,280

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

Distribution of Juvenile Justice Formula Funds for Fiscal Year 1982
(in thousands of dollars)

State	Amount	State	Amount
Alabama	\$1,555	New Mexico	\$ 560
Alaska	225	New York	1,567 ^{a/}
Arizona	1,041	North Carolina	2,230
Arkansas	882	North Dakota	270
California	8,596	Ohio	4,265
Colorado	1,106	Oklahoma	1,127
Connecticut	1,134	Oregon	968
Delaware	228	Pennsylvania	4,301
Florida	3,078	Rhode Island	340
Georgia	2,151	South Carolina	1,251
Hawaii	379	South Dakota	283
Idaho	405	Tennessee	1,723
Illinois	4,469	Texas	5,654
Indiana	2,204	Utah	698
Iowa	1,137	Vermont	225
Kansas	890	Virginia	1,988
Kentucky	1,441	Washington	1,515
Louisiana	1,789	West Virginia	745
Maine	440	Wisconsin	1,862
Maryland	1,587	Wyoming	225
Massachusetts	2,096	District of Columbia	234
Michigan	3,784	American Samoa	56 ^{b/}
Minnesota	1,614	Guam	64
Mississippi	1,113	Puerto Rico	1,979
Missouri	1,857	Trust Territory	84
Montana	325	Virgin Islands	57
Nebraska	621	N. Mariana Islands	56 ^{b/}
Nevada	285		
New Hampshire	350	Total	\$88,875
New Jersey	2,765		

^{a/} Actual allocation \$6,567,500^{b/} Actual allocation \$ 56,250

DEPARTMENT OF JUSTICE
Office of Justice Assistance, Research and Statistics
Law Enforcement Assistance
Proposed Amendment, Fiscal Year 1982

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DEPARTMENT OF JUSTICE
Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

<u>Budget Appendix Page</u>	<u>Heading</u>	<u>1982 Request Pending</u>	<u>1982 Proposed Amendment</u>	<u>1982 Revised Request</u>
I-N24	Law enforcement assistance	\$159,691,000	-\$137,768,000	\$21,923,000

No authorization language was proposed for this appropriation because it is substantively authorized by the Justice System Improvement Act which does not expire until September 30, 1983. No additional authorization is required.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary Sheet
(Dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	222	272	\$159,691
Proposed amendment.....	-97	-38	-137,768
Revised request.....	125	234	21,923

Explanation of Request

A reduction of \$137,768,000 is requested to support the President's anti-inflation program. The reduction results from the termination of the juvenile justice and delinquency prevention program.

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Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Requirements
(Dollars in thousands)

Comparison by Activity:	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	WY	Pos.	WY	Pos.	WY
	Amount	Amount	Amount	Amount	Amount	Amount
1. Juvenile justice formula grants.....	...	\$88,875	...	-\$88,875	...	...
2. Juvenile justice programs.....	...	46,020	...	-46,020	...	...
3. Public safety officers' benefits program.....	...	12,500	...	...	...	\$12,500
4. Crime control programs.....	...	...	...	...	...	...
5. Administrative services, OJARS/LEAA....	96	145	29	89	3,222	125
6. Executive direction and control, OJDP.	126	127	6,095	-127	-6,095	...
Total Requirements.....	222	272	159,691	-97	-38	234
						21,923

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

Activity: Juvenile justice formula grants	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Juvenile justice formula grants.....	...	\$88,875	...	-\$88,875	...	...

Juvenile justice formula grants provide financial and technical support to States and local units of government to implement provisions of the Juvenile Justice and Delinquency Prevention Act of 1974. This program has obtained great success in achieving its objectives but it is believed that the States should now pick up the costs of the program. Accordingly, it is recommended that this program be eliminated from the federal budget to help reduce federal expenditures.

Activity: Juvenile justice programs	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Special emphasis.....	...	\$29,625	...	-\$29,625	...	...
National institute of juvenile justice and delinquency prevention.....	...	11,000	...	-11,000	...	...
Technical assistance.....	...	3,279	...	-3,279	...	...
Concentration of federal efforts.....	...	2,116	...	-2,116	...	...
Total, juvenile justice programs...	...	46,020	...	-46,020	...	...

The juvenile justice programs which are intended to prevent and reduce delinquency, offer non-system alternatives for youths, and improve the quality of the administration of juvenile justice, are being phased out in support of the President's anti-inflation program.

Activity: Administrative services QJARS/LEAA	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Administrative services, QJARS/LEAA..	96	145 \$6,201	29	89 \$3,222	125	234 \$9,423

The reduced staffing levels for the overall Justice System Improvement Act agencies requires the centralization of support services. The original budget submission envisioned decentralized support services being provided by the National Institute of Justice, Bureau of Justice Statistics, and the Office of Juvenile Justice. This centralization of support functions for all these agencies will result in greater efficiency and economy. The staff provided by this budget activity will also be responsible for continuation of the phase out of LEAA programs as well as the initiation of phase out of the juvenile justice programs for which funding is proposed to end on 9/30/81. The Public Safety Officers' Benefits Programs is also administered by this staff. No funds are requested to pay for the terminal leave and separation allowances which will be needed to pay employees who will be terminated due to the elimination of the LEAA and juvenile justice programs. A request to reprogram reverted program funds for this purpose will be submitted later this fiscal year.

Activity: Executive direction and control, QJJD	1982 Request		1982 Proposed Amendment		1982 Revised Request	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Executive direction and control, QJJD.....	126	127 \$6,095	-126	-127 -\$6,095	...	...

As a result of the proposed elimination of the juvenile justice formula grants program and other juvenile justice programs it is also proposed that this budget activity be eliminated. Staff shown under the Administrative services budget activity will be charged with the responsibility of phasing out the juvenile justice programs.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Financial Analysis
(Dollars in thousands)

Grade and Object Class	1982 Proposed		Juvenile Justice		Special		Juvenile Justice Programs		Administering Ser-		Executive	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive level IV.....	-1	-50	...	...	...	...	...	...	-1	-50	...	...
Executive level V.....	-3	-150	...	...	...	...	...	...	-2	-100	...	...
GS/CH-15.....	-2	-98	...	...	...	...	...	...	4	178	...	...
GS/CH-14.....	-3	-187	...	...	...	...	...	...	5	189	...	...
GS/CH-13.....	-16	-680	...	...	...	...	...	...	5	160	...	...
GS-12.....	-16	-592	...	...	...	...	...	...	8	215	...	...
GS-11.....	-4	-214	...	...	...	...	...	...	17	374	...	...
GS-9.....	-11	-237	...	...	...	...	...	...	1	19	...	...
GS-8.....	-2	-40	...	...	...	...	...	...	...	...	...	...
GS-7.....	-6	-114	...	...	...	...	...	...	2	30	...	...
GS-6.....	-14	-236	...	...	...	...	...	...	-7	-124	...	...
GS-5.....	-10	-154	...	...	...	...	...	...	-4	-64	...	...
GS-4.....	-5	-67	...	...	...	...	...	...	1	11	...	...
GS-3.....	-3	-33	...	...	...	...	...	...	...	...	...	...
Total positions and												
annual rates.....	-97	-2,922	...	...	...	...	...	...	29	838	...	...
Lapse.....	54	1,568	...	...	...	...	...	...	55	1,583	...	...
Full-time equivalent												
employment and related												
personnel compensation...	-43	-1,354	...	...	...	...	...	...	84	2,421	...	...
Personnel benefits.....	...	-150	...	...	...	...	...	...	202	...	...	...
Travel and transportation	...	...	...	...	...	...	...	...	...	...	...	...
of persons.....	...	-205	...	...	...	...	...	...	65	...	...	...
Transportation of things...	...	...	...	...	...	...	...	...	3	...	...	...
Standard level user charges	...	-606	...	...	...	...	...	...	273	...	...	...
Communications, utilities	...	...	...	...	...	...	...	...	...	...	...	...
and other rent.....	...	...	...	...	...	...	...	...	...	...	...	...
Printing and reproduction...	...	-128	...	...	...	...	...	...	...	...	...	...
Other services.....	...	-5,790	...	...	...	...	...	...	...	...	...	...
Supplies and materials.....	...	-10	...	...	...	...	...	...	...	...	...	...
Grants, subsidies and	...	...	...	...	...	...	...	...	...	...	...	...
contributions.....	...	-129,525	...	-28,650	...	-10,000	...	-1,500	...	-500	...	...
Total obligations and	-43	-137,768	...	-88,875	...	-29,625	...	-11,000	...	-3,279	...	-2,116
obligations.....									84	3,222	...	-127
											...	-6,095

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS
LAW ENFORCEMENT ASSISTANCE

Program and financing (in thousands of dollars)

Identification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-0400-0-1-754			
<u>Program by activities:</u>			
Direct program:			
1. Juvenile justice formula grants...	74,653	-15,332	59,321
2. Juvenile justice programs.....	46,288	-3,848	42,440
3. Public safety officers' benefits program.....	12,500	...	12,500
4. Crime control programs.....	128,487	...	128,487
5. Administrative services, OJARS/LEAA.....	6,201	3,222	9,423
6. Executive direction and control, OJDP.....	6,095	-6,095	...
Total, direct program.....	274,224	-22,053	252,171
Reimbursable program.....	500	-500	...
Total program costs, funded.....	274,724	-22,553	252,171
Change in selected resources (undelivered orders).....	-114,533	-115,715	-230,248
10.00 Total obligations.....	160,191	-138,268	21,923
<u>Financing:</u>			
11.00 Offsetting collections from: Federal funds.....	-500	500	...
40.00 <u>Budget authority</u> (Appropriation).	159,691	-137,768	21,923
<u>Relation of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	159,691	-137,768	21,923
72.40 Obligated balance, start of year..	278,886	-13	278,873
74.40 Obligated balance, end of year...	-164,075	118,483	-45,592
90.00 Outlays.....	274,502	-19,293	255,204

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS
LAW ENFORCEMENT ASSISTANCE

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code 15-0400-0-1-754	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Personnel compensation:			
11.1 Permanent positions.....	6,625	-1,048	5,577
11.3 Positions other than permanent.....	832	-184	648
11.5 Other personnel compensation.....	142	-122	20
11.8 Special personal services payments			
Total personnel compensation.....	7,599	-1,354	6,245
Personnel benefits:			
12.1 Civilian.....	712	-150	562
14.0 Benefits for former personnel			
21.0 Travel and transportation of persons.....	351	-205	146
22.0 Transportation of things.....	6	...	6
23.1 Standard level user charges.....	1,122	-606	516
23.2 Communications, utilities, and other rent.....	774	...	774
24.0 Printing and reproduction.....	305	-128	177
25.0 Other services.....	6,747	-5,790	957
26.0 Supplies and materials.....	50	-10	40
31.0 Equipment			
32.0 Lands and structures			
33.0 Investments and loans			
41.0 Grants, subsidies, and contributions.....	129,525	-129,525	...
42.0 Insurance claims and indemnities.....	12,500	...	12,500
43.0 Interest and dividends			
44.0 Refuse to			
Total direct obligations.....	159,691	-137,768	21,923
Reimbursable obligations:			
41.0 Grants, subsidies & contributions	500	-500	...
99.0 Total obligations.....	160,191	-138,268	21,923

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS
LAW ENFORCEMENT ASSISTANCE

PERSONNEL SUMMARY

Modification code 15-0400-0-1-754	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Direct:			
Total number of full-time permanent positions.....	222	-97	125
Total compensable workyears:			
Full-time equivalent employment....	272	-38	234
Full-time equivalent of overtime and holiday hours.....	5	-5	...
Average ES salary.....	\$50,112	...	50,112
Average GS grade.....	10.01	9.15	10.68
Average GS salary.....	\$29,197	\$29,315	29,348

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS
LAW ENFORCEMENT ASSISTANCE

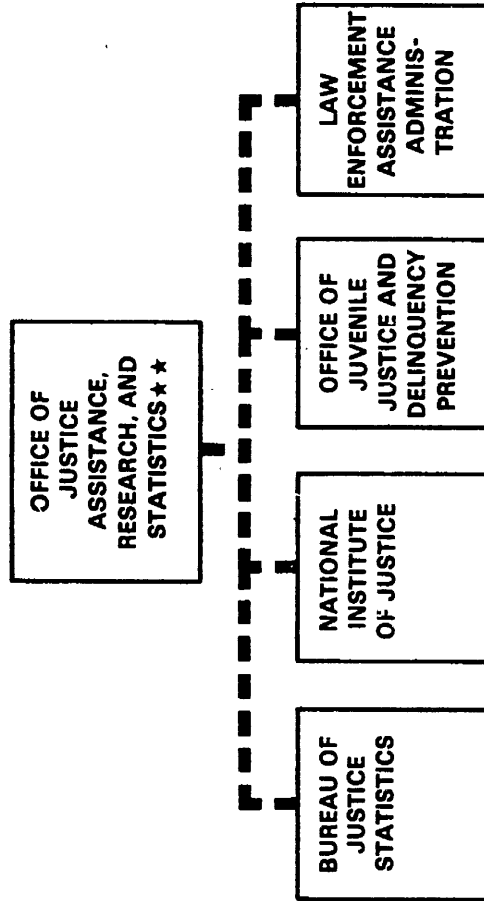
DETAIL OF PERMANENT POSITIONS

	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Executive level III.....	1	-1	...
Executive level IV.....	1	-1	...
Executive level V.....	1	...	1
Subtotal.....	3	-2	1
ES-2.....	1	...	1
ES-4.....	5	-3	2
GS/GM-15.....	16	-2	14
GS/GM-14.....	18	-3	15
GS/GM-13.....	35	-16	19
GS-12.....	35	-16	19
GS-11.....	18	-4	14
GS-9.....	17	-11	6
GS-8.....	4	-2	2
GS-7.....	16	-6	10
GS-6.....	20	-14	6
GS-5.....	20	-10	10
GS-4.....	8	-5	3
GS-3.....	6	-3	3
Subtotal.....	219	-95	124
Total permanent positions.....	222	-97	125
Unfilled positions, Sept. 30.....	-8	-3	-11
Total permanent employment end of year.....	214	-100	114

Office of Justice Assistance, Research, and Statistics
Research and Statistics
Estimates for Fiscal Year 1982
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OJARS ORGANIZATION CHART ★



★ FINAL DETERMINATIONS FOR STAFF OFFICES AND UNITS BELOW BUREAU LEVEL HAVE NOT BEEN MADE.

★ ★ OJARS PROVIDES SUPPORT SERVICES TO AND COORDINATES THE ACTIVITIES OF BJS, NIJ, OJJDP AND LEAA.

Research and StatisticsSummary StatementFiscal Year 1982

The Research and Statistics program is requesting for 1982, a total of \$62,465,000, 145 positions, and 150 workyears. This includes \$39,677,000 and 95 positions for the National Institute of Justice, and \$22,788,000 and 50 positions for the Bureau of Justice Statistics.

The primary mission of the National Institute of Justice is to support research into the causes of crime and improvement of the criminal justice system, and foster the practical application of knowledge developed through NIJ research. The Bureau of Justice Statistics is responsible for all major national statistical series and other sources of data concerning crime and criminal justice.

The activities within the Research and Statistics program are as follows:

Research, Evaluation and Demonstration Programs This activity supports research on criminal justice issues; conducts field tests to examine the operations and effects of new policies and practices in a variety of localities across the nation; conducts research utilization training for criminal justice officials and practitioners; and publishes and disseminates research findings for use by criminal justice practitioners. Additional funds are requested to conduct a demonstration program including four topic areas: police, adjudication, corrections, and community crime prevention. The demonstration projects would establish a track record for certain research generated innovations, and thereby assist policy makers in deciding whether a particular demonstration program is appropriate for their jurisdiction.

Criminal Justice Statistical Programs This activity is responsible for collecting, analyzing, and publishing statistical information on crime and the criminal justice system; providing technical assistance on the collection and use of statistics for policy development at federal, state, and local levels of government; and encouraging the development of state and local government entities capable of collecting and analyzing criminal justice statistics. The Department is seeking an increase for this activity to permit a redesign of the National Crime Survey of victimization to make it less costly and more accurate; to develop probation and juvenile statistics, and more uniform court statistics; and to analyze data from the national victimization survey and the state statistical units.

Executive Direction and Control, National Institute of Justice This activity provides staffing and administrative support for the National Institute of Justice (NIJ) to ensure adequate management and control of the Research, Evaluation, and Demonstration Program. No increases are requested for this activity.

Executive Direction and Control, Bureau of Justice Statistics This activity provides staffing and administrative support for the Bureau of Justice Statistics (BJS) to ensure adequate management and control of the Criminal Justice Statistical Programs. No increases are requested.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Justification of Proposed Changes in Appropriation and Authorization Language

The 1982 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Research and Statistics

For research, development, demonstration, statistical and related efforts directed towards the Improvement of civil, criminal and juvenile justice systems authorized by the Justice System Improvement Act of 1979, including salaries and other expenses in connection therewith, to remain available until expended. \$62,465,000

Explanation of Changes

No substantive changes are proposed.

NOTE: No authorization language is proposed for this appropriation because it is substantively authorized by the Justice System Improvement Act which does not expire until September 30, 1983. The Department of Justice will be submitting a legislative proposal to increase the authorization level of this appropriation. The Justice System Improvement Act now contains an authorization of \$25,000,000 for the Bureau of Justice Statistics and \$25,000,000 for the National Institute of Justice.

Research and Statistics
Crosswalk of 1981 Changes
(Dollars in thousands)

Activity/Program	1981 President's Budget Request			Congressional Appropriation Action on 1981 Request			1981 Supplemental Request Program			1981 Appropriation Anticipated			
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	
1. Research, evaluation and demonstration programs.....	...	...	\$25,000	...	...	-\$17,500	...	...	\$17,500	...	...	\$25,000
2. Criminal justice sta- tistical programs....	...	...	20,477	...	...	-12,977	...	...	8,334	...	...	16,275
3.. Executive direction & control, NIJ.....	73	78	2,774	...	...	-32	...	...	...	73	78	2,997
4. Executive direction & control, BJS.....	37	42	1,273	...	...	-15	...	...	...	37	42	1,370
Total.....	110	120	49,524	-30,524	25,834	808	110	120	45,642

Explanation of Analysis of Changes from 1981 Appropriation Request

Explanation of Analysis of Changes from 1981 Appropriation Request

Supplementals Requested

1. The pay raise (Executive Order 12248), effective October 5, 1980 as modified by P.L. 96-369, Continuing Appropriation 1981.
2. A supplemental request of \$25,834,000 has been requested to avoid termination of in depth research programs and the National Criminal Justice Reference Service as well as data collection and dissemination efforts concerning prosecutions, the judicial process, probation, corrections, State and local funding for justice systems, juveniles in institutions and the offender population.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Mark- Year's Amount
Summary of adjustments to base and built-in changes:		
1981 as enacted.....	110	\$19,000
Supplementals requested:		
1981 Pay supplemental requested.....	...	808
1981 Program supplemental requested.....	...	25,834
1981 appropriation anticipated.....	110	45,642
Transfer from law enforcement assistance.....	35	1,798
Uncontrollable increases.....	...	2,325
1982 base.....	145	49,765

1519

Estimates by budget activity	1980 Enacted		1980 Actual		1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
1. Research, Evaluation and Demonstration Programs....	...	\$25,000	...	\$24,966	...	\$25,000	...	\$25,500	...	\$35,500	...	\$10,000
2. Justice Statistical Programs	...	15,000	...	14,491	...	16,275	...	17,795	...	20,495	...	2,700
3. Executive Direction and Control, MJJ*.....	110	3,768	110	3,767	73	2,997	95	4,177	95	4,177	...	...
4. Executive Direction and Control, BUS.....	...	...	...	...	37	42	1,370	50	53	2,293	...	...
Total.....	110	43,768	110	43,224	110	45,642	145	49,765	145	62,465	...	12,700

* Executive Direction and Control for MJJ and BUS was shown within this budget activity until 1981.

Research and Statistics

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1980 as Enacted			1980 Actual			1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Research Evaluation and Demonstration Programs.....	...	...	\$25,000	...	...	\$24,966	...	...	\$25,000	...	...	\$25,500	...	...	\$35,500	...	...	\$10,000
Justice Statistical Programs...	...	...	15,000	...	...	14,491	...	...	16,275	...	...	17,795	...	...	20,495	...	...	2,700
Executive Direction and Control, NIJ*.....	110	120	3,768	110	120	3,767	73	78	2,997	95	97	4,177	95	97	4,177	...	...	...
Executive Direction and Control, BJS.....	...	...	...	...	...	...	37	42	1,370	50	53	2,293	50	53	2,293	...	...	...
Total.....	110	120	43,768	110	120	43,224	110	120	45,642	145	150	49,765	145	150	62,465	...	...	12,700
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	120	120	120	120	120	120	120	120	120	150	150	150	150	150	150	...	...	...

* Executive Direction and Control for NIJ and BJS was shown within this budget activity until 1981.

Research and Statistics

Justification of Program and Performance

Activity Resource Summary

Activity: Research, Evaluation and Demonstration Programs	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Anticipated		Perm.		Perm.		Perm.	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount

	...	\$25,000	...	\$25,500	...	\$35,500	...	\$10,000

Long-range goal: To increase fundamental knowledge about the causes and control of crime, and the efficiency, effectiveness, equity and responsiveness of the Nation's law enforcement and justice administration systems.

Major objectives:

To advance the cumulation and synthesis of knowledge through continued support of justice research programs.

To evaluate the effectiveness of justice programs, and to determine their impact upon the quality of the nation's justice system.

To develop model programs for improving justice practices and procedures, and to disseminate the results of research, evaluation, and technology transfer programs to appropriate audiences.

Base Program Description: The National Institute of Justice (NIJ) is the only federal agency carrying out research in criminal justice programs of benefit to state and local agencies. NIJ seeks to accomplish its objectives primarily through the awarding of grants, contracts or cooperative agreements to public agencies, institutions of higher education, private organizations and individuals. Inter-agency agreements are also utilized when appropriate.

Prior to October 1, a program plan is developed which outlines the research activities planned for the coming fiscal year. Solicitations are then prepared which request proposals for research projects in each of several functional areas of study (i.e. police, adjudication, corrections, community crime prevention, crime correlates and criminal behavior, research and evaluation methods, and program evaluation). These solicitations vary according to the state of knowledge in the particular area. Proposals are reviewed by staff and through a peer review process in order to identify the best projects for funding. The Institute also conducts a small unsolicited research program which encourages innovative approaches to justice problems from members of the justice research and practitioner communities.

Once a research or evaluation project has been funded, an Institute project monitor works closely with the grantee/contractor to assure the successful completion of the project and to feed project findings back into the planning process.

Based upon research or evaluation findings, program models are developed which detail the advantages and limitations of a variety of programmatic options in a given topic area. Selected model programs are field tested and evaluated to determine the likelihood of success if replicated and institutionalized.

In fulfillment of its Congressional mandate, the Institute operates the National Criminal Justice Reference Service which serves as a national and international clearinghouse for the exchange of information on criminal justice issues.

The Department has requested a budget supplement for 1981 to increase the appropriation for justice research, evaluation, and demonstration programs from \$7.5 million to \$25 million. An appropriation of \$7.5 million represents a 70 percent decrease from the 1980 budget for justice research. The supplement will enable NIJ to continue seven long-term research programs, as well as eighteen basic and applied research projects in priority areas such as utilization and deployment of police, community crime prevention, and sentencing. It will also permit NIJ to continue large scale dissemination of significant research findings on the causes of crime and improvement of the criminal justice system. Finally, the supplement will provide for Program Model development and field test projects, which translate research findings into useful program strategies and improved criminal justice practices.

Accomplishments and Workload: Accomplishments of the Research, Evaluation and Demonstration Program are presented in the table below. The figures shown are based on approval of the 1981 supplemental request. Without the supplemental, there would be a considerable decrease for 1981.

Item	Estimates		
	1979	1980	1981
Research and evaluation projects monitored.	230	220	225
Program models developed.	12	8	7
Documents distributed through reference service.	1,000,000	850,000	850,000
Project field tests undertaken.	1	4	3
Grants and contracts awarded.	117	127	130
			166

During the past year, the Institute's on-going research in the area of white-collar crime has produced reports on employee theft, fraud and abuse in government benefit programs, and the sources of data on white-collar crime. Each of these studies point to the scarcity of information regarding the prevalence and incidence of white-collar violations, and recommended measures which can be taken to remedy that situation. Continuing research in this area is expected to yield the data necessary to deal with this problem.

A comprehensive assessment of the nation's correction needs has been completed. Results indicate that overcrowding is indeed a major problem in most correctional institutions. Specifically, the widely accepted standards of 60 square feet per inmate cannot be achieved by 38 percent of the Federal prisons, 55 percent of the State prisons, and 60 percent of the nation's jails. In a related Institute study, researchers found that the negative effects of decreasing housing space for inmates can be exacerbated by decreasing the degree of privacy afforded each inmate.

A study of correctional costs, which produced economic models to be used by administrators and planners in resource allocation and needs forecasting, also addressed the issue of overcrowding. It found that single cell arrangements can ultimately be less costly as savings are realized through reduced security needs and a lessening of tension among inmates.

Concern over the recent apparent increase in the numbers of fatal shootings by police led the Institute to undertake a program of research which will analyze police use of deadly force. The four selected grantees, the National Urban League, the National Council of La Raza, the International Association of Chiefs of Police, and the University of California at Irvine, will provide the broad approach necessary for a project of this scope. The Institute, informed by this research, will play a major role in the development of Department policy in this area through the Attorney General's Task Force on Deadly Force.

A recently completed analysis of bookmaking, loansharking and the numbers racket in New York City led researchers to conclude that these activities are not presently dominated by organized crime in New York. Rather, it seems that low-volume, independent "entrepreneurs" are responsible for most of the activity in these rackets. As a follow-on effort, researchers are examining the presence of racketeering in the vending machine and solid waste disposal industries in New Jersey.

In addition, the Institute has initiated a major program of research on organized crime in coordination with the Criminal Division and the FBI.

The Institute's continuing research program on serious habitual offenders, conducted by the Rand Corporation, has confirmed findings that a small group of offenders is responsible for a disproportionately large amount of crime. However, there appears little evidence of crime specialists, sophisticated pre-crime planners, or predictable patterns in the career of habitual offenders.

Northwestern University researchers have reported to the Institute on their study of citizens' responses to crime problems. It seems that citizens generally perceive crime to be far more prevalent than crime rates suggest. In addition, those groups who fear crime the most, women and the elderly, are actually the least likely to be victimized.

Research on the costs of crime, undertaken by the Hoover Institute, has produced findings with policy implications which are particularly relevant in a period of limited resources. Based on nationwide arrest levels, the costs of arrests of different crime types vary widely. For example, a larceny arrest costs \$747, a robbery arrest \$11,234, and an arrest for a crime against the person costs \$15,273.

Also, criminal justice policies in one area may have significant economic ramifications in other areas. While drug enforcement efforts in New York City increased and heroin-trafficking was curtailed, market forces raised the street price of heroin. At the same time, rates of burglary, robbery, larceny and motor vehicle theft also rose.

Preliminary findings from the Vera Institute's study of the relationship between unemployment and crime cast doubt on the belief that rising crime rates are due to parallel increases in unemployment. The continuing work of this project will hopefully strengthen the causal ties between work and crime.

The results of the Police Response Time Analysis Study have important implications for police field service delivery. Rapid police response has long been a tenet of law enforcement, resting on the assumption that fast response to calls increases the likelihood of arrest. This study found that the time which elapses between the crime and its reporting by a victim or witness is far more critical than the marginal minute or two which the police may try to shave from their response time, often at great costs.

An evaluation of the 1975 Massachusetts gun law, which carries a mandatory one year prison term for the illegal possession of firearms, found that the legislation did affect the character of violent crime in Massachusetts. However, while significant decreases in gun-related assaults, robberies and homicides were observed, substantial increases in non-gun related crimes were also noted.

The Institute has also undertaken to evaluate a similar Michigan law which in Detroit is linked to a prohibition on plea bargaining for felony crimes involving a firearm. The results of that evaluation are forthcoming.

The Institute has also initiated evaluations of new determinate sentencing laws in Arizona, California, and North Carolina. Sentencing guidelines, which represent another strategy in sentencing reform, are the subject of extensive Institute field test and evaluation efforts.

Program models developed in 1980 include: Prevention of Fraud in Government Benefit Programs, Employment Services for Ex-Offenders, Police Resource Sharing, Victim Compensation Programs, and Rape: Guidelines for a Community Response.

The Institute has also supported the publication of the first volume of *Crime and Justice: An Annual Review of Research*. This review represents the first attempt to provide a continuing series of state-of-the-art essays on criminal justice issues, institutions and research methods, by eminent scholars in the field.

In 1980, the National Criminal Justice Reference Service processed requests for information, distributed documents and serviced 50,000 registered users.

Program Changes: In order to fully satisfy its legislative mandates, the Institute must engage in research which is responsive to the needs of state and local criminal justice systems. The product of basic research is not frequently in a form which can be easily transferred to programmatic use by operating agencies. State and local justice agencies are understandably reluctant to invest in research generated innovations which have no track record. The absence of new LEAA funds will exacerbate this reluctance as fewer recommended program approaches will have been tried on a national basis.

The requested increase of \$10,000,000 for Research, Evaluation and Demonstration Programs would enable the National Institute of Justice to undertake a demonstration program which would do much to bridge the gap between knowledge production and practical application in four topic areas: police, adjudications, corrections, and community crime prevention. Criminal justice innovations which emerge from research and are rigorously field-tested could then be considered for funding as a demonstration. In this way, policy makers considering implementation would be better able to judge the appropriateness of the demonstrated program for their jurisdictions. Concerns regarding program cost-effectiveness, replicability, and impact on other agencies could be addressed more easily by examining the experiences of the demonstration effort.

Activity: Criminal Justice Statistical Programs	1981 Appropriation			1982 Base			1982 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
	...	...	\$16,275	...	...	\$17,795	...	...	\$20,495	...	...	\$2,700

Long-Range Goal: To assist policy and decision makers at the federal, state, and local levels of government by providing for the collection, analysis and dissemination of comprehensive and accurate statistical information concerning crime and the operation of justice systems at all levels of government.

Major Objectives:

- To collect, analyze, publish, and disseminate national statistical information on crime and the operations of justice systems.
- To recommend national standards for justice statistics and ensure the reliability and validity of justice statistics.
- To conduct and support research regarding methods of gathering and analyzing justice statistics.
- To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities as producers of information to the Bureau.
- To provide specific policy guidance and assistance regarding compliance with regulations relating to confidentiality of research/statistical data, and compliance with requirements relating to privacy and security of criminal history information.

Base Program Description: The principal mechanism for obtaining national criminal justice statistics is an interagency agreement with the Bureau of Census. Information needs are identified by the Bureau of Justice Statistics (BJS). The Census Bureau provides the principal data collection for BJS, and has a primary role in preparing reports for publication and dissemination.

Depending on the nature of the program, the data are collected in one of two ways. One way is to obtain information through a personal visit or a telephone call to an individual or a household. The National Crime Victimization Survey utilizes this method of collection. The second method relies on the administrative records maintained by operating criminal justice agencies to provide summary information for their state, region, or locality to an organization under contract to the Bureau. The National Prisoner Statistics program is an example of this method of data collection; the state corrections departments provide summary data for their States to the Census Bureau, which compiles the information under an interagency agreement with BJS.

Another method of obtaining information that is still under development is the establishment of State statistical units capable of providing data in response to national reporting standards as part of their overall responsibility to foster improvement in their State systems for the administration of justice. Through 1980, BJS' predecessor, the National Criminal Justice Information and Statistics Service, funded development of State criminal justice statistical entities through a series of grants. Much of that development has been accomplished, and State Statistical Analysis Centers are providing useful services in the form of periodic and special reports and analyses. However, their statistical efforts have been aimed primarily at users in the particular States and have produced only a limited capability for aggregation to national statistics. The new Justice System Improvement Act, in the section establishing the Bureau of Justice Statistics, requires that "The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities to obtain data for the national reports."

A major effort directed toward increasing the utilization of criminal justice statistics is the National Criminal Justice Data Archive. The Archive is responsible for obtaining and disseminating machine-readable data files of information collected for BJS, as well as data collected for the National Institute of Justice, the FBI, and others. In addition to providing specific assistance to criminal justice analysts and researchers regarding the use of data, the Archive offers training aimed at familiarizing data analysts with Archive holdings and providing experience in working with and analyzing these data.

For several years, the agency has provided national leadership in the areas of statistical/research confidentiality and privacy and security of criminal history information. This has been accomplished through the development of landmark regulations in these areas, and the publication through grants and contracts of numerous materials identifying and analyzing relevant policy issues. In addition, grants/contracts have been funded to conduct national conferences and workshops regarding data confidentiality and disclosure, and provide specific technical assistance to State and local officials regarding compliance with the regulations.

The Bureau will continue to serve as a national resource for information on efforts throughout the country in this area. An index to privacy and security legislation and regulations is maintained under a grant and is available at no cost in response to public inquiries.

The Department has requested a budget supplement for 1981 to increase the appropriation for justice statistical programs from \$7.5 million to \$15.8 million. An appropriation of \$7.5 million represents a 50 percent decrease from the 1980 budget for statistics. The supplement will enable BJS to continue ongoing national-level data collection projects, as well as support for state level statistical capabilities. This will lead to production of accurate and timely statistics concerning white collar crime, justice system expenditures and employment, State court caseload, and adult and juvenile offenders. The supplement will also provide for initial work regarding the transfer of the Uniform Crime Reports to BJS, and for topical and short-term analyses of findings from BJS sponsored data collection efforts.

Accomplishments and Workload: Accomplishments of the Criminal Justice Statistical Programs activity are presented in the table below. The figures shown are based on approval of the 1981 supplemental request. Without the supplemental, there would be a considerable decrease for 1981.

Item	1979	1980	Estimates	
			1981	1982
Technical assistance provided.				
Reports disseminated.	1,869	2,112	2,341	2,654
State awards made.	493,585	480,133	451,900	514,700
Methodological research projects.	42	24	37	56
States in compliance with privacy and security regulations.	16	52	53	44
Standardization projects ongoing.	...	16	18	18
	11	9	9	12

In 1980, the Bureau of Justice Statistics maintained ongoing data collection efforts including the National Crime (Victimization) Survey, National Prisoner Statistics, Uniform Parole Reports, the Criminal Justice Employment and Expenditure Survey, the State court caseload project, and comparative prosecutorial transaction data. In addition, new surveys were carried out to address important issues facing justice policy makers. For example, refinements were made to the correctional statistics program to produce information on the number of Hispanics and Blacks in prison, as a quantitative index of one component of prison unrest. Special surveys in jails and prisons were conducted to determine the relationship between drugs, alcohol, and crime, and to determine the number of Vietnam veterans in correctional institutions.

In 1980, there was a more than forty percent increase in the number of statistical reports published, largely because of the increased demand for topical analyses in areas such as victimization of the elderly, victimization of Hispanics, and the relationship between drugs, alcohol and crime. Included among the over forty publications released are: Intimate Victims - A Study of Violence Among Friends and Relations; the Hispanic Victim: Advance Report; Criminal Victimization in the United States: A Description of Trends from 1973 to 1977; Trends in Expenditures and Employment Data for the Criminal Justice System, 1971-1977; Sourcebook of Criminal Justice Statistics 1979; and Prisoners in State and Federal Institutions on December 31, 1979: Advance Report.

Methodological research projects increased more than three-fold between 1978 and 1980. The recent effort to redesign the National Crime Survey over the next five years to make it more responsive to the needs of policy and decision makers is largely responsible for this increase.

During the year, there was evidence of increasing use of BJS statistical information by justice policy makers and federal, state, and local legislators. Information from the National Crime Survey affected legislation at the federal, state, and local levels in areas related to crime against the elderly, rape, and victim compensation programs. Information from the Criminal Justice Employment and Expenditure survey was used by the House and Senate Budget Committees, other Congressional committees and offices, the Office of Management and Budget, the Department of Justice, and state and local criminal justice agencies in activities associated with the appropriation and allocation of federal funds, and program planning.

The criminal justice data archive at the University of Michigan increased the number of data sets available for dissemination from 23 to 40, and provided training in analysis techniques for state and local planners. Technical assistance, which includes such activities as advising state and local planners on appropriate data collection and analytic techniques, recommending standardized reporting formats and methods, and the provision of codebooks and documentation for machine readable data files, has steadily increased since 1978. Requests for technical

assistance are expected to increase as the user universe expands and the demand for sophisticated analysis increases. Potential users of the archive's services include public policy makers and administrators at all levels of government, professionals in the field of criminal justice and law enforcement, analysts at public and private research centers, and academic researchers at colleges and universities throughout the United States.

The Bureau of Justice Statistics continued efforts during 1980 to develop State statistical units capable of providing data for State use in planning, managing and evaluating programs, and for compilation of national criminal justice statistics based on State input. In addition, BJS funding has resulted in establishment of State level Uniform Crime Reporting (UCR) centers in 46 States; 40 such UCR centers are now State funded. Also, at least fifteen of these States have implemented an incident based UCR system, which provides more detailed information about each crime so that more meaningful analysis is possible. In addition to reporting UCR data to the FBI, the States use the information for planning, budgeting, and evaluation.

In the area of privacy and security, one new document regarding criminal history information was issued during 1980, a supplement to the compendium of state privacy and security legislation. BJS also published documents concerning privacy and the media, and law enforcement access to educational records.

In response to a Congressional mandate, as well as a Department of Justice priority, BJS has initiated efforts in the area of white collar crime. Documents released during 1980 include an analysis of computer-assisted techniques for the identification and investigation of fraud in the Aid to Families with Dependent Children (AFDC) program, and a comprehensive resource manual to assist prosecutors and investigators in dealing with computer related crimes.

Program Changes: An increase of \$2,700,000 is requested for 1982 for Justice Statistical Programs. This increase would permit the Bureau of Justice Statistics to come much closer to fulfilling its major objectives and statutory mandate.

The requested increase will allow BJS to fund an independent, objective analysis of the UCR program as a necessary condition to the eventual transfer. This review of the UCR program, deferred from 1981 because of funding constraints, would establish what long range changes and enhancements to the program are viewed by users and reporting agencies as advisable or essential, and would determine how UCR can be totally integrated into the BJS statistical programs. The assessment would assure that any new changes are well thought out and completely justified, and would permit the new UCR to maintain a consistent statistical series for a number of years without the need for additional periodic changes.

In addition, the requested increase will enable BJS to continue efforts to redesign the National Crime Survey (NCS) of victimization in accordance with the 1976 recommendation of the National Academy of Sciences. The goal of the redesign is to make the NCS, which now largely remains unanalyzed and in a form not readily usable for decisionmaking, available to the public. The requested increase will also fund additional analysis of available data, addressing specific issues of concern to justice practitioners and policy makers, and the general public.

With additional funding, BJS will continue development of court caseload statistics and a prosecution statistics program; these areas are now two of the more serious gaps in criminal justice administrative statistics. The additional funding will also permit implementation of the National Probation Statistics program and the expansion of the juvenile justice statistics program. The probation statistics program will

provide annual data on the number and characteristics of persons on probation. The juvenile justice statistics program will be expanded to obtain information on the socio-economic and demographic characteristics of juveniles in detention and correctional facilities, along with information on the history of their involvement with the criminal justice system. At present, no reliable information exists regarding the characteristics of juveniles in detention and correctional facilities.

Activity: Executive Direction and Control, National Institute of Justice	1981 Appropriation		1982 Base		1982 Estimate		Increase/Decrease	
	Anticipated		Perm.		Perm.		Perm.	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
	73	78 \$2,997	95	97 \$4,177	95	97 \$4,177	...	...

Long-range goal: Provide staffing and administrative support for the National Institute of Justice (NIJ) to ensure adequate management and control of the Research, Evaluation and Demonstration Programs.

Major Objectives:

Formulate and implement the agency's policies on federal justice research programs.

Collect and analyze research data obtained through grants, contracts, and interagency agreements.

Evaluate the effectiveness of programs funded under the JSIA.

Develop model programs for improving justice practices and procedures, and disseminate the results of research evaluation and technology transfer to State and local units of government and private organizations.

Serve as a national and international clearinghouse for the exchange of information on civil, criminal, and juvenile justice systems.

Prepare biennial report on the state of justice research to the President and Congress.

Develop and conduct a demonstration program.

Base Program Description: Objectives are accomplished primarily through the award of grants, contracts, interagency agreements and cooperative agreements to public agencies, institutions of higher education, and private organizations and institutions. At the beginning of the fiscal year a program plan outlines planned research activities. Solicitations are prepared, proposals are reviewed through a peer review process, and awards are made. The Institute also conducts a small unsolicited research program which encourages innovative approaches to justice problems.

Based on research and evaluation findings, program models are developed which detail the advantages and limitations of a variety of programmatic options in a given topic area. Selected model programs are field tested and evaluated to determine the likelihood of success if replicated and institutionalized.

The Institute also conducts the Exemplary Projects program to systematically identify outstanding criminal justice programs throughout the country, verify their achievements and publicize them widely. NIJ also operates through a contractor the National Criminal Justice Reference Service which serves as a national and international clearinghouse for information on criminal justice issues.

The increase in the base for 1982 is a result of the transfer to BJS of support functions previously performed by OJARS but slated for reassignment to NIJ as the criminal justice programs are phased out.

For 1982, no additional resources are requested for this activity. Existing staff will be sufficient to assume workload associated with the proposed demonstration program (refer to section on Research, Evaluation, and Demonstration programs).

Accomplishments and Workload: Accomplishments of the NIJ Executive Direction and Control activity are presented in the following table:

Item	Estimates			
	1979	1980	1981	1982
Solicitations prepared.	25	33	35	35
Concept papers and proposals reviewed.	911	750	800	800
Grants and contracts awarded.	117	127	130	130
Research and evaluation projects monitored.	230	220	225	225
Exemplary project applications reviewed.	70	70	70	70
Exemplary projects designated.	3	3	3	3
Program models developed.	12	8	7	7
Project field test designs produced.	2	3	3	3
Project field tests undertaken.	1	4	3	3
Registered Reference Service users.	47,372	50,000	54,000	54,000
Documents distributed through Reference Service.	1,000,000	850,000	850,000	850,000

Activity: Executive Direction and Control, Bureau of Justice Statistics

1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease Perm.	
Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
37	42 \$1,370	50	53 \$2,293	50	53 \$2,293	...	...

Long-range goal: Provide adequate resources and staff to support the Bureau of Justice Statistics (BJS) which is responsible for the execution of the Justice Statistical Programs.

Major Objectives:

Collect and analyze statistics concerning crime, juvenile delinquency, civil disputes, criminal offenders, and juvenile delinquents, by awarding grants, contracts, interagency agreements, and cooperative agreements.

Establish national standards for justice statistics.

Provide financial and technical assistance to State and local governments relating to the collection, analysis and dissemination of justice statistics.

Support research relating to methods of gathering or analyzing justice statistics.

Ensure conformance with privacy and security regulations.

Base Program Description: Grant awards, contracts, interagency and cooperative agreements are utilized for accomplishing objectives. The primary source for obtaining statistical data is through an interagency agreement with the Department of Commerce, Bureau of the Census. An advisory board mandated by legislation offers guidance and recommendations to the Bureau. The increase in the base for 1982 is a result of the transfer to NIJ of support functions previously performed by OJAS but slated for reassignment to NIJ as the criminal justice programs are phased out. For 1982, no additional resources are requested for this activity.

Accomplishments and Workload: Accomplishments of the BJS Executive Direction and Control activity are presented in the following table:

Item	Estimates			
	1979	1980	1981a/	1982
Grants/contracts awarded.	104	77	51	65
Responses to requests for information and assistance.		2,245	2,280	2,350

<u>Item</u>	<u>1979</u>	<u>1980</u>	<u>Estimates</u>	
			<u>1981a/</u>	<u>1982</u>
Updates to CDS and Information Systems Action Plans received.		30	25	15a/
On-site monitoring of grants/contracts.		136	153	135a/
Draft reports received for review.	62	67	65	66
Conferences/workshops conducted.	8	8	9	9
Reports published.	47	60	68	68

a/ Reflects termination of systems development functions in BJS.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Perm Pos.	Work- Years	Amount
1981 as enacted.....	110	120	\$19,000
Supplementals requested:			
Pay increase supplemental requested:			
Increased pay costs.....			Amount
Net pay supplemental.....	...	...	\$808
Program supplementals requested:			
Research, evaluation, and demonstration programs.....	...	...	17,500
Justice statistical programs.....	...	...	8,334
1981 appropriation anticipated.....	110	120	45,642
Adjustments to base and built-in changes:			
Transfers to and from other accounts:			
Decentralization of support services.....	35	30	1,798
Total, transfers.....	35	30	1,798
Uncontrollable increases:			
Annualization of 1981 pay increases.....	...	...	109
Within-grade increases.....	...	...	40
Retirement contribution - social security (FICA).....	...	...	3
Health benefits costs.....	...	...	7
Federal Employees Compensation Act (FECA).....	...	...	13
Federal Telecommunications System (FIS).....	...	...	43
Travel costs - airfare increases.....	...	...	38
GPO printing costs.....	...	...	28
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	4
Department printing and reproduction costs.....	...	...	12
General pricing level adjustments.....	...	...	2,028
Total, uncontrollable increases.....	...	...	2,325
1982 base.....	145	150	49,765

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Adjustments to Base and Built-In Changes
(Dollars in thousands)

	Perm. Pos.	Perm. Work- Years	Amount
	35	30	\$1,798
Transfers to and from other accounts:			
1. Transfer from Law Enforcement Assistance			
This transfer represents the decentralization of support services previously furnished by OJAS.			
Total transfers.....	35	30	1,798

Uncontrollable Increases:

1. Annualization of October 1980 pay increases..... 109

This provides for annualization of the October 5, 1980 pay increase contained in Executive Order 12248. There are 261 compensable days in 1981 and three days (October 1-3, 1980) were not included in the pay raise. A supplemental was requested for the full pay raise amount of \$808,000. The calculation of the amount required for annualization is:

1/261 x Amount of pay raise..... \$5,000
1981 pay increase for 35 positions
transferred from LEAA..... 104,000
Total annualization..... 109,000

2. Within-grade increases..... 40

This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$36,700 and benefits \$3,300 = \$40,000).

3. Retirement contributions - Social Security (FICA)..... 3

Beginning January 1, 1982, the base on which earnings for Social Security computations are calculated will increase from \$29,700 to \$31,000. The rate will increase from 6.65 percent to 6.70 percent. This increase is computed for 5 eligible employees.

	Perm. Pos.	Perm. Work- Years	Amount
4. Health benefits costs..... The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 12.4 percent, which has a direct impact on government costs. The requested increase of \$7,000 provides for payment of the average rate percent over the \$57,000 now available.	\$7
5. Federal Employees Compensation Act (FECA)..... The increase reflects the billing provided by the Department of Labor for the actual costs in 1980 of employees' accident compensation. The 1982 billing will be \$143,000 or \$13,000 over the 1981 estimate of \$130,000.	13
6. Federal Telecommunications System (FTS)..... The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In FY 1982, GSA has established a new billing method which is based on the duration as well as the number of calls. The computation resulting from the new billing method results in an increase of \$43,000 over the base of \$126,000.	43
7. Travel costs - airfare increases..... Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that regular fares have increased approximately 35 percent in the past year. An uncontrollable increase reflecting the 35 percent growth in air fares results in an increase of \$38,000 over the base of \$109,000.	38

	Perm. Post.	Perm. Work- Years	Amount
8. GPO Printing costs..... The Government Printing Office (GPO) is projecting a nine percent increase in printing costs for FY 1982. Using 1981 costs as a base, the uncontrollable increase for GPO printing is \$28,000 over the base of \$312,000.	\$28
9. Printing costs for the Federal Register and Code of Federal Regulations..... The Legislative Branch Appropriation Act of 1978 (P.L. 95-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations. The current cost estimates from GPO reflect an increase from \$320 per page to \$408 per page for the Federal Register. The requested uncontrollable increase provides funding for 45 pages.	4
10. Department printing and reproduction costs..... Departmental printing costs are expected to increase by nine percent in 1982. This results in an uncontrollable increase of \$12,000 over the base of \$133,000.	12
11. General pricing level adjustment..... This request applies to OMB pricing guidance as of August 1980 to selected expenses categories. The increased costs identified result from applying a factor of 9.3 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1982 estimates.	2,028
Total uncontrollable increases.....	2,325
Total, adjustments to base and built-in changes.....	35	30	4,123

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Financial Analysis - Program Increases
(Dollars in thousands)

Item	Research, Evaluation and Demonstration Programs		Justice Statistical Programs		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Other services	\$ 500	...	\$ 700	...	\$ 1,200
Grants, subsidies, and	9,500	...	2,000	...	11,500
contributions						
Total work years and obligations, 1982	10,000	...	2,700	...	12,700

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1981 Estimate		1982 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$52,750.....	2		2		...	
ES-IV, \$50,112.....	5		5		...	
GS/GM-15, \$44,547-50,112.....	9		9		...	
GS/GM-14, \$37,871-49,229.....	29		32		3	
GS/GM-13, \$32,048-41,660.....	30		35		5	
GS-12, \$26,951-35,033.....	11		18		7	
GS-11, \$22,486-29,236.....	6		10		4	
GS-9, \$18,585-24,165.....	1		6		5	
GS-8, \$16,826-21,875.....	3		3		...	
GS-7, \$15,193-19,747.....	3		5		2	
GS-6, \$13,672-17,776.....	4		6		2	
GS-5, \$12,266-15,947.....	4		6		2	
GS-4, \$10,963-14,248.....	2		5		3	
GS-3, \$9,766-12,700.....	1		3		2	
Total, appropriated positions.....	110	\$3,674	145	\$4,840	35	\$1,166
Pay above stated annual rates.....	...	12	...	18	...	6
Lapses.....	-6	-180	-7	-200	-1	-20
Net savings due to lower pay scales for part of year.....	...	-3	...	...	...	3
Net permanent.....	104	3,503	138	4,658	34	1,155

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

Research and Statistics

Summary of Requirements by Object Class
(Dollars in thousands)

	1981 Estimate		1982 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	104	\$ 3,503	138	\$ 4,658	34	\$ 1,155
11.3 Positions other than permanent:						
Part time permanent.....	11	265	8	206	-3	-59
Temporary employment.....	4	44	3	33	-1	-11
Other part time and intermittent.....	1	25	1	25	...	...
11.5 Other personnel compensation:						
Overtime.....		20		20	...	...
Other Compensation.....		7		7	...	...
Total Workyears and Personnel.....	120	3,864	150	4,949	30	1,085
Compensation						
12 Personnel Benefits.....		339		439		100
21 Travel and transportation of persons...		95		170		75
22 Transportation of things.....		2		12		10
23.1 Standard level user charges.....		...		376		376
23.2 Communications, utilities & other rent.		18		250		232
24 Printing and reproduction.....		330		565		235
25 Other services.....		16,964		18,592		1,628
26 Supplies and materials.....		19		43		24
31 Equipment.....		5		10		5
41 Grants, subsidies, and contribution....		24,550		37,059		12,509
Total obligations.....		46,186		62,465		16,279
Relation of obligations to outlays:						
Obligated balance, start of year.....		37,411		40,334		2,923
Obligated balance, end of year.....		-40,334		-29,690		10,644
Outlays.....		43,263		73,109		29,846

DEPARTMENT OF JUSTICE
Office of Justice Assistance, Research, and Statistics
Research and Statistics
Proposed Amendment, Fiscal Year 1982
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DEPARTMENT OF JUSTICE
Office of Justice Assistance, Research, and Statistics

Budget Appendix Page	<u>Research and Statistics</u>			
	<u>Heading</u>	<u>1982 Request Pending</u>	<u>1982 Proposed Amendment</u>	<u>1982 Revised Request</u>
I - N25	Research and Statistics	\$62,465,000	-\$23,232,000	\$39,233,000

The 1982 Authorization bill has been prepared by the Department and is awaiting approval. A reduction of \$23,232,000 in authorization will be required for this revision to the budget request.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary Sheet
(dollars in thousands)

	<u>Permanent Positions</u>	<u>Workyears</u>	<u>Appropriation</u>
Request pending.....	145	150	\$62,465
Proposed amendment.....	-56	-55	-23,232
Revised request.....	89	95	39,233

Explanation of Request

The purpose of this reduction is to support the Presidents' anti-inflation program. The reduction will continue the research, evaluation and demonstration programs at the 1981 level and will provide for a modest increase in the justice statistical programs. Reductions in the executive direction activities reflect a recentralization of support activities to achieve efficiency and economy as well as reduced program positions since program funds have been reduced.

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Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Requirements
(Dollars in thousands)

Comparison by Activity	1982 Request			1982 Proposed			1982 Revised		
	Pending Perm.	NY	Amount	Pending Perm.	NY	Amount	Pending Perm.	NY	Amount
1. Research, evaluation and demonstration program.....	...	...	\$35,500	...	...	-\$16,300	...	...	\$19,200
2. Justice statistical programs.....	...	...	20,495	...	...	-4,820	...	...	15,675
3. Executive direction and control, NIJ.....	95	97	4,177	-33	-32	-1,269	62	65	2,908
4. Executive direction and control, BJS.....	50	53	2,293	-23	-23	-843	27	30	1,450
Total requirements.....	145	150	62,465	-56	-55	-23,232	89	95	39,233

JUSTIFICATION OF REQUIREMENTS
(Dollars in thousands)

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	WY	Pos.	WY	Pos.	WY
Activity: Research, evaluation and demonstration programs						

Research, evaluation and demonstration programs.....	...	\$35,500	...	-\$16,300	...	\$19,200
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The major portion of the requested reduction of \$16,300,000 is \$10,000,000 which was intended to initiate a criminal justice demonstration program. In view of the President's anti-inflation program it is believed that this new initiative should be eliminated. The remaining reduction of \$6,300,000 will continue research, evaluation and program development at FY-1981 levels.

	1982 Request		1982 Proposed		1982 Revised	
	Pending	Perm.	Amendment	Perm.	Request	Perm.
	Pos.	WY	Pos.	WY	Pos.	WY
Activity: Justice statistical programs						

Justice statistical programs.....	...	\$20,495	...	-\$4,820	...	\$15,675
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A reduction of \$4,820,000 is requested to support the President's anti-inflation program. This will require reductions in program areas such as: utilization of criminal justice statistics; examination of issues touching on the privacy and security of criminal history information; examination of alternative crime classification systems; white collar crime; fraud associated with welfare systems, and computer associated crimes. However, the revised funding level will still provide sufficient funds for evaluation of the Uniform Crime Reports now administered by the FBI and efforts to redesign the National Crime Survey of victimization.

Activity: Executive direction and control, NIJ

1982 Request	1982 Proposed	1982 Revised
Pending	Amendment	Request
Perm.	Perm.	Perm.
Pos.	Pos.	Pos.
WY	WY	WY
Amount	Amount	Amount
95 97 \$4,177	-33 -32 -\$1,269	62 65 \$2,908

Executive direction and control, NIJ.....

A reduction in this budget activity reflects the elimination of a new major state and local demonstration program from the 1982 budget request a decision to centralize support services under the Law Enforcement Assistance appropriation to increase efficiency and economy. Additionally program positions have been cut to reflect the reduction in program funds.

Activity: Executive direction and control, BJS

1982 Request	1982 Proposed	1982 Revised
Pending	Amendment	Request
Perm.	Perm.	Perm.
Pos.	Pos.	Pos.
WY	WY	WY
Amount	Amount	Amount
50 53 \$2,293	-23 -23 -\$843	27 30 \$1,450

Executive direction and control, BJS.....

This reduction is a result of the decision to centralize support functions under the Law Enforcement Assistance appropriation to achieve the optimum use of available resources and to reduce program positions commensurate with the program reductions.

Office of Juvenile Assessment, Research, and Statistics

References and Statistics

Financial Analysis

(b)(7)(C), (b)(7)(D)

1912 Industrial Classification No.	1912 Code and object class	Research, Development, Production		Justice		Executive, Police, Control, MIS		Executive, Police, Control, MIS	
		Req.	Res.	Req.	Res.	Req.	Res.	Req.	Res.
2	PS-4.....	...	\$100	...	...	...	\$100	...	...
2	PS-4-1.....	...	100	...	...	...	100	...	...
2	PS-4-1-1.....	...	372	...	...	...	188	...	184
8	PS-4-1-1-1.....	...	335	...	...	...	195	...	176
14	PS-4-1-1-1-1.....	...	440	...	...	...	264	...	50
5	PS-4-1-1-1-1-1.....	...	104	...	...	...	18	...	15
2	PS-4-1-1-1-1-1-1.....	...	33	...	...	...	15	...	14
2	PS-4-1-1-1-1-1-1-1.....	...	25	...	...	...	12	...	11
3	PS-4-1-1-1-1-1-1-1-1.....	...	20	...	...	...	10	...	10
5	PS-4-1-1-1-1-1-1-1-1-1.....	...	1,785	...	...	...	1,075	...	650
2	PS-4-1-1-1-1-1-1-1-1-1-1.....	...	52	...	...	...	52	...	50
55	PS-4-1-1-1-1-1-1-1-1-1-1-1.....	...	1,673	...	...	...	1,023	...	750
148	PS-4-1-1-1-1-1-1-1-1-1-1-1-1.....	...	54	...	...	...	12	...	28
9	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	92	...	...	...	4	...	5
62	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	162	...	...	...	31	...	31
2,786	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	2,786	...	...	...	22	...	14
8	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	8	...	...	...	7	...	1
12,200	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	12,200	...	...	...	4,470	...	...
5	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	1,12	1,269	...	73
841	PS-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1.....	...	841	841	...	841

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RESEARCH AND STATISTICS

Program and Financing (in thousands of dollars)

Modification code	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
15-0401-0-1-754			
<u>Program by activities:</u>			
1. Research, evaluation and demon- stration programs.....	30,740	-4,873	25,867
2. Justice statistical programs.....	22,828	-7,540	15,288
Total program costs, funded.....	53,568	-12,413	41,155
Change in selected resources (undelivered orders).....	8,897	-10,819	-1,922
10.00 Total obligations.....	62,465	-23,232	39,233
<u>Financing:</u>			
21.40 Unobligated balance available, start of year.....	...	...	...
39.00 <u>Budget authority</u>	62,465	-23,232	39,233
<u>Budget Authority:</u>			
40.00 <u>Appropriation</u>	62,465	-23,232	39,233
44.20 <u>Supplemental for civilian pay raises</u>.....	...	...	...
<u>Relation of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	62,465	-23,232	39,233
72.40 Obligated balance, start of year.....	20,734	13,470	34,204
74.40 Obligated balance, end of year...	-29,960	-2,145	-31,835
90.00 Outlays, excluding pay raise supplemental.....	53,469	-11,907	41,562
91.20 Outlays from civilian pay raise supplemental.....	40	...	40

DEPARTMENT OF JUSTICE
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RESEARCH AND STATISTICS

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code 15-0401-0-1-754	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Personnel compensation:			
11.1 Permanent positions.....	4,658	-1,651	3,007
11.3 Positions other than permanent.....	264	-22	242
11.5 Other personnel compensation.....	27	...	27
11.6 Special personal services payments.....			
Total personnel compensation.....	4,949	-1,673	3,276
Personnel benefits:			
12.1 Civilian.....	439	-148	291
13.0 Benefits for former personnel.....			
21.0 Travel and transportation of persons.....	170	-54	116
22.0 Transportation of things.....	12	-9	3
23.1 Standard level user charges.....	376	-92	284
23.2 Communications, utilities and other rent.....	250	-62	188
24.0 Printing and reproduction.....	565	-182	383
25.0 Other services.....	18,592	-2,796	15,796
26.0 Supplies and materials.....	43	-8	35
31.0 Equipment.....	10	-8	2
32.0 Lands and structures.....			
33.0 Investments and loans.....			
41.0 Grants, subsidies, and contributions.....	37,059	-18,200	18,859
42.0 Insurance claims and indemnities.....			
43.0 Interest and dividends.....			
44.0 Refunds.....			
99.0 Total obligations.....	62,465	-23,232	39,233

DEPARTMENT OF JUSTICE
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RESEARCH AND STATISTICS

PERSONNEL SUMMARY

Identification code 15-0401-0-1-754	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Direct:			
Total number of full-time permanent positions.....	145	-56	89
Total compensable workyears:			
Full-time equivalent.....	150	-55	95
Full-time equivalent of overtime and holiday hours.....
Average GS grade.....	11.39	10.76	11.76
Average GS salary.....	\$31,557	\$30,093	\$32,893

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DETAIL OF PERMANENT POSITIONS

	1982 Request Pending	1982 Proposed Amendment	1982 Revised Request
Executive level IV.....	2	...	2
Subtotal.....	2	...	2
ES-4.....	5	-2	3
GS/GM-15.....	9	-2	7
GS/GM-14.....	32	-8	24
GS/GM-13.....	35	-9	26
GS-12.....	18	-14	4
GS-11.....	10	-5	5
GS-9.....	6	-5	1
GS-8.....	3	...	3
GS-7.....	5	-2	3
GS-6.....	6	-2	4
GS-5.....	6	-2	4
GS-4.....	5	-3	2
GS-3.....	3	-2	1
Subtotal.....	143	-56	87
Total permanent positions.....	145	-56	89
Unfilled positions, Sept. 30.....	-6	2	-4
Total permanent employment end of year.....	139	-54	85

Mr. EARLY. There are two appropriation items for the office—Law Enforcement Assistance and Research and Statistics. These requests total \$61.156 million, a decrease of \$85.689 million from the appropriations enacted to date from the current fiscal year.

We are glad to have you, Mr. Diegelman.

Do you want to read your general statement or summarize it briefly?

GENERAL STATEMENT

Mr. DIEGELMAN. Thank you, Mr. Chairman.

I would like to forego reading the prepared statement and give you a quick overview of what actually is contained in the budget request.

I am pleased to have the opportunity to appear before you in support of the 1982 budget request for the Office of Justice Assistance, Research, and Statistics. The request is for \$61.156 million and 214 positions, which represents a net decrease of \$102,860,000 and 286 positions below the \$164,016,000 adjusted appropriation and 500 positions authorized for fiscal year 1981.

That, I might point out, is in essence a phaseout budget for ending more than a decade of Federal financial assistance for state and local governments in the area of crime control and criminal justice improvement, as well as six years of significant funding in the juvenile justice area.

I would like to point out to you also that the \$61 million budget represents, from our perspective, an 80 percent cut in program funds since fiscal 1980, and a 60 percent cut in personnel ceiling. Compared to our 1981 base, we are talking about a 75 percent cut in grant funds and 60 percent cut in on-board personnel. These are more than paper cuts; this is actually a 50 percent cut in on-board personnel.

LAW ENFORCEMENT ASSISTANCE

The \$61 million which is requested for fiscal 1982 covers two appropriations. One appropriation is for Law Enforcement Assistance. That appropriation request is for \$21.9 million and 125 positions. The majority of that request is for the Public Safety Officers' Benefits program, a request of \$12.5 million for the survivors of public safety officers killed in the line of duty; the remainder of approximately \$9.5 million is basically to keep on board 125 professional staff persons to provide centralized support services to our continuing research program, our continuing statistical program, as well as the necessary activities to phase out both the LEAA program and, as is proposed, the juvenile justice program in fiscal 1982.

JUVENILE JUSTICE PROGRAM TERMINATION

I think that it is very important that we point out what is contained in the Law Enforcement Assistance recommendation regarding the juvenile justice request. The juvenile justice request in fiscal 1982 is zero, both in terms of grant funds as well as in terms of positions.

This was a conscious decision on the part of the new Administration not only to basically make a contribution to balancing the Federal budget, but also for some very significant policy reasons. I think the committee should be aware of these.

We want to point to the fact that the Juvenile Justice and Delinquency Prevention Act of 1974 had as one of its major parts "deinstitutionalization of status offenders." The last six years of Federal funding in this area has produced a real achievement of that statutory objective.

There are 50 states and territories now participating in the program; 41 of these states have already achieved or will achieve in fiscal 1981 substantial compliance with the separation objectives and 36 will be in complete compliance with the statutory objectives for the deinstitutionalization of status offenders. This means by the end of this fiscal year approximately 200,000 status offenders out of a total of approximately 250,000 will have been deinstitutionalized from secure correctional or juvenile detention facilities.

We also note that not only has there been significant success in the achievement of the status offender objectives, but a great majority of states already have on their books either similar statutory requirements for the deinstitutionalization of status offenders or a policy that basically requires the same.

There has been a significant pick-up of many of the programs funded under the Juvenile Justice Act as well as the Crime Control Act by state and local governments. Therefore, we feel at this point, given the present economic situation in the country, that what is going to be continued in this area can best be achieved through other funding sources, primarily through what will be proposed as a Health and Human Services block grant. This proposed block grant program should be able to meet any remaining needs in the juvenile justice area.

RESEARCH AND STATISTICS APPROPRIATION

The second appropriation covered by the \$61 million request is for research and statistics programs. As you are aware, we are requesting the continuation of both of these parts of the formal LEAA program in fiscal 1982, and seeking a total of \$39 million and 89 positions. This represents no increase over 1981 in the research area and a very modest increase in the statistical area of \$2.4 million. The majority of the increase is for uncontrollables; the remainder is basically to undertake two new efforts.

One is an evaluation of the issues involved in the transfer of the Uniform Crime Reports from the Federal Bureau of Investigation to the Bureau of Justice Statistics; and the other major item that would be included in this increase is examination of the redesign issues for the National Crime Victimization Survey.

In closing, let me point out I think the budget represents a very significant change in focus and direction in Federal crime control planning. There is no heavy funding recommended in the area of assistance to state and local governments. The focus is almost exclusively on research and statistics, a role which this Administration feels is much more limited and focused and that can be more adequately performed at the national level, and is a role not easily performed by state or local governments.

Those are my comments, Mr. Chairman. I will be happy to answer any questions that either you or any members of the subcommittee might have.

Mr. EARLY. Fine, thank you very much.

We will get to your remark about the Labor-HHS block grant program later.

TERMINATION OF THE JUVENILE JUSTICE PROGRAM

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, states as one of Congress' findings that:

"States and local communities which experience directly the devastating failure of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency."

You now propose to terminate the Juvenile Justice programs which were just reauthorized in 1980. What evidence is there to indicate that these states now have the technical expertise or adequate resources to deal with the problem without specific Federal assistance?

Mr. DIEGELMAN. I think it comes back to some of the comments I made in my opening statement. Basically, what it boils down to—

Mr. EARLY. I am going to ask everyone in the audience to please be quiet. If you wish to have any discussions, I must ask you to leave. We are hearing testimony in support of the Justice Department's budget. The only individuals I want to hear from are the witnesses associated with Mr. Diegelman.

Mr. DIEGELMAN. Thank you.

In 1974, with the passage of the Juvenile Justice and Delinquency Prevention Act, there was a serious concern about the impact on the juvenile justice system of the status offender or noncriminal offender. It was a result of a growing movement and growing concern in the juvenile justice community, and not in itself in any way a policy effort to respond to a juvenile crime problem.

The result of six years, almost seven years of funding in this area has been both to create a monitoring capability and a policy framework at the state level that basically can accomplish the goal of deinstitutionalization of status offenders.

As I pointed out in my opening statement, with an estimated population of approximately 250,000 status offenders who have been incarcerated or placed in secure institutional settings, almost 200,000 will have been deinstitutionalized by the end of this year. This achievement is a result not only of Federal funding, technical assistance and training, but also the fact that all the states participating in the program have in place a monitoring system, legislation or policies that accomplish the same purpose.

It is not like declaring a victory and saying there are no more Federal funds. What we in essence are saying is that the major statutory thrust of the Juvenile Justice Act has substantially been accomplished. There does remain work to be done. The thrust can be continued. It is much more appropriately continued from the point of view of this Administration by state and local governments out of their own resources or alternative resources available through the Health and Human Services block grant.

STATE ASSUMPTION OF JUVENILE JUSTICE PROGRAMS

Mr. EARLY. I can only address the problems that will confront my own State of Massachusetts. The state is not going to be able to absorb any of the expense. It is faced with the unique proposition 2½. For you to say that the program is doing well, but that you now are going to pull out of it, leaves the states in a difficult position.

What is a state like Massachusetts supposed to do? The state is not going to have the resources to pursue the program.

Mr. DIEGELMAN. I agree with you. It is going to have an impact not only in Massachusetts but almost every other state of the Union.

In view of our present economic scene, and the extensive Federal funding that has occurred not simply in this area but in many areas, the Administration has proposed very significant cuts in a broad range of social service and crime control programs. This Administration is proposing an economic program to respond to the nation's inflationary problem.

A lot of awfully hard decisions and hard choices have to be made. Those hard choices will also have to be made at the state level in terms of the funds that become available to the Commonwealth of Massachusetts, and to the other states, through block grants or other funding vehicles. The states will have to make the decision of what they will continue to fund. The Federal Government has gotten into a broad range of services over the last 50 years. It is time now, if we are going to respond to the nation's economic problem, to cut some of those traditional sources of Federal financial assistance.

DEINSTITUTIONALIZATION OF JUVENILE OFFENDERS

Mr. EARLY. I have problems with eliminating the program so abruptly. It's not fair to the states.

You spoke about deinstitutionalization. In my state the trend has been to institutionalize juveniles in maximum security institutions rather than to deinstitutionalize them.

About three years ago we had a juvenile program that failed. The director just shut down all the juvenile delinquency institutions.

Mr. DIEGELMAN. I do have with me the Acting Administrator for Juvenile Justice, who with your permission could give you where we stand in Massachusetts and how significant the problem is in Massachusetts compared with other states. This is Mr. Lauer to my immediate left.

Would you like to add something?

Mr. LAUER. I could only add that the trend that you see in Massachusetts is also, to some extent, prevalent in other states. The ones that are being institutionalized now are not the status offenders or nonoffenders. The ones going into the institutions are the more serious or violent offenders. Consequently, there is that increase.

FUNDING OF JUVENILE JUSTICE PROGRAM BY STATES

Mr. EARLY. Fine.

But if states have not given significant attention to these areas in the past, what makes you think they will now?

Mr. LAUER. We polled some of the states and some of them believed that it is enough of a priority with the state legislature, or with the governor, that they will in fact tap into the HHS block grant. Some states feel if there is no earmarking that they may very well not be funding these efforts. We don't know, overall, that they will.

HHS BLOCK GRANT FUNDING FOR JUVENILE JUSTICE

Mr. EARLY. I want to ask you about that block grant proposal. Mr. Dwyer asked Secretary Schweiker what Health and Human Services was doing in the block grant proposal.

The Justice Department has suggested that the program will be incorporated in a block grant program in HHS. However, Secretary Schweiker told Mr. Dwyer that his Department has not spoken with the Justice Department about this issue.

I think maybe I will ask Mr. Rooney to comment on that more specifically. Evidently there have been no discussions between you people and HHS.

Mr. ROONEY. We have seen the bill in draft and we have critiqued it. We have given a long series of recommendations, specifically the changes that could be made in the bill to accommodate funding for juvenile justice. The bill is still in the process of being drafted.

One of the recommendations that we actually did make was that a specific amount of funds be earmarked under the block grant for juvenile justice services. I have been apprised that that is simply not going to be the case. There will not be an earmark but clearly juvenile justice services are envisioned under the proposed block grant program as a portion of the HHS block.

Mr. EARLY. The justifications in support of the request to eliminate the \$63.790 million in juvenile justice formula grants indicates that state and local agencies may be able to use Department of Health and Human Services block grant funds to support similar juvenile justice activities in the future.

Secretary Schweiker, in response to Mr. Dwyer's question, indicated before the Labor, Health and Human Services Subcommittee last week that no specific amount has been earmarked in the Administration's block grant proposal for juvenile justice activities.

I believe that he further indicated that a use of these block grants had not even been contemplated and that the states and local communities will be given a list of programs or activities for which the block grant funds could be used and that juvenile justice is not among those listed activities.

In view of Secretary Schweiker's testimony, how would a state and local agency be able to use Health and Human Services block grant funds for a juvenile justice program?

Mr. DIEGELMAN. The legislation at this point is in the process of being drafted. Secretary Schweiker, whether he is aware of it or not, there has been a critique of the proposed bill between our agency and theirs. We know there is a general feeling that earmarking would be inconsistent with the block grant philosophy. However, we have, as I indicated, given a long series of recom-

mended changes that can be made in the actual language of the bill forwarded to OMB that would include juvenile services as an eligible area in which the funds may be spent.

Mr. EARLY. He said specifically none of the funds are for juvenile justice. I believe Secretary Schweiker also indicated that no one from the Justice Department or Administration had talked to him about that proposal.

Mr. DIEGELMAN. That is possible, Mr. Chairman. Whether anyone has actually talked to Secretary Schweiker, I am unaware. We have critiqued the bill and indicated to OMB our posture and OMB at this point is indicating its desire that the final version of the bill include eligibility of juvenile justice services.

Mr. EARLY. But there has to be someone other than OMB involved in moving the juvenile justice program to the Department of HHS. He is the Secretary. No one spoke with him. He had his staff with him, which is four times larger than the one that you have in support of your program today, and no one suggested anything different from what he stated.

I am just trying to establish what has been done between Justice and Health and Human Services to get this far.

Mr. DIEGELMAN. Perhaps Mr. Rooney can shed some further light on it. I have told you my understanding.

Mr. ROONEY. I do not have anything to add. I know Mr. Diegelman, as he indicated, has been working with them. As to whether Secretary Schweiker has been involved, I am certain I do not have any further information on that.

Mr. EARLY. Fine.

ALTERNATIVE SOURCES OF FUNDING FOR JUVENILE JUSTICE

Mr. Diegelman, you are suggesting that the states and local agencies will assume the funding of juvenile justice programs. You cannot assume my state will have the funds to do that. I do not think that Massachusetts is unique.

Mr. DIEGELMAN. You also have to realize there are other sources of funding other than the block funds.

Our experience under the Crime Control Act programs has been that there is a very significant assumption of programs by state and local governments after three or four years of Federal funding.

Mr. EARLY. Don't you have to suggest that that is how it has been in the past? What are the alternative sources for juvenile justice programs in this year's proposal?

Mr. DIEGELMAN. In this year's proposal, there are state general funds, local general funds—

Mr. EARLY. But there aren't—that is fine. Why don't we tell them to pay for the program out of their own pockets too?

Mr. DIEGELMAN. Basically that is what I am saying.

Mr. EARLY. I am not talking about the state and local government, I am talking about telling the individuals to pay for it. They just can't.

Mr. DIEGELMAN. I am pointing to an analogy of what we have done in the Crime Control Act. After almost \$7.5 billion for a full range of criminal justice services, with about 20 percent of that amount for juvenile justice, there is an assumption rate on the order of sixty-five percent. After three years of Federal funding,

the programs, if they are worth being continued out of either state or local funds, are generally being picked up.

I think the same pattern will occur in the juvenile justice area. If it does not, to the extent additional Federal funds are needed, the only alternative vehicle that we can offer at this point is the proposed Health and Human Services block grant.

ELIGIBILITY OF JUVENILE JUSTICE FOR HHS BLOCK GRANT FUNDING

Mr. EARLY. I am going to let Mr. Dwyer and Mr. O'Brien ask their questions. But the Secretary suggests there is no money in that block for the program. It was a specific question of how much was earmarked in that block grant for that. He categorized 12 programs for that specific block and none of it, he says, is earmarked for this program. So we can't suggest that the alternative to what we do in Justice is Health and Human Services. The only communicant between state and Federal government, in my opinion, and I am not the only one, but the most prominent one is money.

Mr. DIEGELMAN. I am making a distinction between earmarking and eligibility for services that I do not think you are making, Mr. Chairman. We have been passed the draft HHS block grant bill to comment on and told clearly that the Administration envisions the money available under the HHS block as also eligible for use for juvenile justice services. Earmarking is something that we proposed at the front end. We were told that it would be inconsistent with the philosophy of the block grant money to "earmark" or set aside for juvenile justice purposes a specific amount of \$50 million or \$100 million.

Mr. EARLY. I am not talking about that type of earmarking. I am talking about identifying 12 specific things for which the block grant funds could be used. Juvenile Justice isn't in that earmarking.

Mr. DIEGELMAN. Isn't in that specification of intended use?

Mr. EARLY. Fine.

Mr. DIEGELMAN. Then we have problems.

Mr. EARLY. We have problems; we have problems.

I am going to yield to Mr. Dwyer if he has any questions.

Mr. DWYER. I think you pursued it very well. I will make just one statement.

When I asked the Secretary about the block grant program, I made the statement that the program slipped between the cracks. He said we make no recommendations in our block programs for this program. I took that to mean that the program did slip between the cracks, from the point of view—

Mr. DIEGELMAN. Believe me, we are not going to let it slip through the cracks.

Mr. DWYER. From the point of view of some Federal funding—

Mr. DIEGELMAN. If that is the Secretary's point of view we are operating on different assumptions. We have been told that one of the intents is to fund juvenile justice services from the block grants.

Now if it is not incorporated in the next draft of the bill or the bill forwarded to the Congress for consideration, we will have some very serious problems.

Mr. DWYER. According to the display charts that the Secretary had at the hearing, it was not included.

Thank you.

Mr. EARLY. Mr. O'Brien?

STATES NOT PRESENTLY PARTICIPATING IN JUVENILE JUSTICE PROGRAM

Mr. O'BRIEN. On the same point, are there any states that presently handle juvenile justice programs out of their own fund or any counties', any local funds?

Mr. DIEGELMAN. There are presently some nonparticipating states in our program.

Mr. LAUER?

Mr. LAUER. There are presently five states and territories that do not participate and handle it themselves.

Mr. O'BRIEN. Any statistics on how they are doing?

Mr. LAUER. No. Since they are not in the Act, we get no compliance statistics. So we assume either they don't have laws on the books or they don't have a state policy to pursue the same statutory goals. Consequently, they can't participate or they have made a conscious decision not to.

OUTLOOK FOR CONTINUATION OF JUVENILE JUSTICE PROGRAMS

Mr. O'BRIEN. In the hearings that I attended where the Secretary spoke, I came away with the same general impressions that the Chairman did. At the same time, I did not conclude that he had a totally closed mind on the issue and that obviously, presently, the grand design included a preference to indicate to the states and the local communities, you are just going to have to fly on your own now, we have helped you get started, you know how to do it, and we kind of expect you to manage it because we just don't have anyplace else to go right now.

That seems to be the general disposition. At the same time, I did come away from the hearings feeling that all avenues of appeal have not been closed. I gather from the statement you have made, your legislation is forming up, and now you are prepared to put your case and your best foot forward, if you feel you deserve a part of one of those block grants; is that about right?

Mr. DIEGELMAN. Yes, sir. Your assessment of the situation is accurate from our perspective. I think we would be less than candid, however, if we were to say that even if the juvenile justice services that presently are provided under our block grant program become an eligible series of activities under the HHS block that there is going to be sufficient funding to meet the full range of needs.

You are talking about a \$6 billion block grant program that is going to provide a wide range of services. The services we are providing in the juvenile justice area are very unique, specifically geared towards the status offender and the deinstitutionalization of the status offender. To continue such an endeavor is probably going to be difficult, but I think your assessment of the situation is correct.

Our position is we have supported the program for seven years now, have spent significant amounts of Federal funding, and are

three-quarters of the way toward achievement of the statutory objectives. To the extent state and local governments want to continue or need funding, we intend to make HHS block monies available for juvenile justice programs. It is the state or local choice to decide how much of the block grant they use for juvenile justice. There will be a hard fight at the state and local level to get a piece of that money.

Mr. O'BRIEN. Thank you, Mr. Diegelman.

Thank you, Mr. Chairman.

Mr. EARLY. But taking that even further down the road, aren't you saying that if the program is included in a block grant program in HHS, you will have no control over it? Isn't this where we are going in the whole block grant proposal?

Everyone on this committee will suggest that Justice has more than enough to do. So when we question you in the future, aren't you going to say that you don't handle juvenile justice; that it is in HHS?

Mr. DIEGELMAN. If the Health and Human Services block grant is approved, we will have no program, yes, sir. I can't predict what our future testimony is going to be but we will be effectively out of the business.

Mr. EARLY. We can't predict who is going to be here.

Do you have any evidence to indicate that the states and/or local agencies will assume the funding for the juvenile justice programs?

Mr. DIEGELMAN. As I have already pointed out, most of the states at this point either have policies in place or legislation that require the deinstitutionalization of status offenders. Also, we have had a high rate of cost assumption in similar programs and projects under the Crime Control Act.

FORMULA GRANT FUNDING FOR DEINSTITUTIONALIZATION AND SEPARATION

Mr. EARLY. Page 2 of the original justifications indicates that a majority of formula grant funds have been spent (1) to provide alternatives to incarceration of status offenders and (2) separation of juveniles and adults in institutions. Please provide for the record more specific information:

(a) how much has been spent for each of the above categories; and

(b) what percentage of total formula grant awards do these categories represent?

Will you supply that for the record?

Mr. DIEGELMAN. Yes, sir.

[The information follows:]

FUNDS FOR ALTERNATIVES TO INAPPROPRIATE CONFINEMENT

Of the \$60,565,000 of formula grant funds awarded for fiscal year 1981, \$24,222,267 or 39.9 percent is earmarked for programs to provide alternatives to incarceration of status offenders, \$2,769,685 or 4.6 percent for programs designed to separate juveniles and adults in institutions; and \$1,202,010 or 1.9 percent for programs designed to remove juveniles from adult jails and lockups. The remaining action funds are programmed for diversion, training, prevention, institutional care, juvenile police units, serious juvenile offenders, drug and alcohol abuse, alternative education, information systems and research.

JUVENILE JUSTICE TECHNICAL ASSISTANCE

Mr. EARLY. How many technical assistance providers did the Office of Juvenile Justice and Delinquency Prevention fund in fiscal years 1980 and 1981 and what was the total amount of funds provided?

Mr. DIEGELMAN. With your permission, I will let Mr. Lauer respond.

Mr. LAUER. The total amount of funds allocated in fiscal year 1981 is \$3 million. I would have to supply for the record the actual number of technical assistance incidents.

Mr. EARLY. Fine.

[The information follows:]

TECHNICAL ASSISTANCE PROVIDED

In fiscal years 1980 and 1981 the Office obligated \$5,928,604 of its funds for Technical Assistance purposes. Thirteen contracts and/or grants were, or are, to be let.

The following is a brief synopsis of the technical assistance activity of the OJJDP.

The Office provides technical assistance in three major areas, that is Alternative Responses to Delinquent Behavior, Prevention and System Improvement. These goal areas allow for a wide range of responses to the needs of the technical assistance recipient. More specifically the Office provides technical assistance in such areas as: alternative placement, community-based treatment, the serious/violent offender, school violence, better utilization of existing local resources and training and assistance to Statewide juvenile justice advisory councils.

In addition, the Office provides technical assistance support to the Special Emphasis Initiatives. Currently we are supporting programs in Restitution, Advocacy, Alternative Education, Capacity Building and the Serious Offender Prevention Program. For example, since 1977 in the area of Alternative Responses to Delinquent Behavior approximately 1,019 instances of technical assistance have been delivered. In the area of delinquency prevention over 400 technical assistance assignments have been completed. Since 1978, the Office has published 39 separate technical assistance manuals.

The contractor conducting needs assessment and providing technical assistance in Improvement of the System and to the State Advisory Groups has completed 392 efforts as of January 2, 1980 and has initiated work on 204 new efforts since then.

AVOIDING DUPLICATION OF TECHNICAL ASSISTANCE EFFORTS

Mr. EARLY. How do you insure that the various technical assistance providers do not duplicate efforts?

Mr. LAUER. The individual contractors that provide the technical assistance provide technical assistance in one specific area only, and through that mechanism, using one group to provide the technical assistance, there is really no chance or little chance of duplication.

NATIONAL EVALUATIONS OF OJJDP PROGRAMS

Mr. EARLY. Page 16 of the original justifications indicates that two national evaluations of the Office of Juvenile Justice and Delinquency Prevention Major Action Program Initiatives were completed. What was the total cost of each of these evaluations, and could you please summarize the results of these evaluations?

Mr. LAUER. One major evaluation that is ongoing now is the restitution evaluation. The evaluation is analyzing \$21 million worth of restitution projects in 35 individual jurisdictions.

The evaluation is not yet complete. It will cost approximately a million dollars. It should be finished by the end of this fiscal year.

With respect to the two completed evaluations, I will have to supply the information for the record.

[The information follows:]

TWO NATIONAL EVALUATIONS COMPLETED BY OJJDP

NATIONAL EVALUATION OF DEINSTITUTIONALIZATION OF STATUS OFFENDER PROJECTS

Cost of National Evaluation: \$1,062,044

Major Results:

1. Overall, use of community-based alternatives for status offenders did not result in an increase in their recidivism.
2. Community-based services can be provided for status offenders at about 20 percent less than the cost of juvenile justice system processing.
3. Six States had secured legislation supporting DSO at the end of the projects, and project efforts were clearly related to this in five of these States. State funds were made available for maintaining deinstitutionalization.

These findings suggest that status offenders can be deinstitutionalized, and placed in less costly alternatives, without increases in recidivism.

NATIONAL EVALUATION OF DIVERSION PROJECTS

Cost of National Evaluation: \$761,336.

Major Results:

- (1) The evaluation showed that diversion projects were implemented under the OJJDP sponsored program.
- (2) Within the context of the mandates of the JJDP Act the evaluation supported the feasibility of using alternatives for juveniles who without diversion would be processed through the traditional juvenile justice system.
- (3) The evaluation indicates that diversion tends to widen the net. This means that more juveniles are exposed to youth services than would be the case without the availability of diversionary alternatives.
- (4) The evaluation also showed that there were no significant differences in terms of recidivism, and other social adjustment measures, between juveniles diverted without services, those diverted to services, and those processed through the traditional system.

JUVENILE JUSTICE FUNDING NOT PART OF A FORMAL PROGRAM

Mr. EARLY. Since passage of the Act in 1974, how much of the Office of Juvenile Justice and Delinquency Prevention's discretionary funds have gone to efforts which were not part of a specific program or initiative such as prevention, diversion, et cetera, with specific program objectives?

You can supply that.

Mr. LAUER. Yes, I could supply it.

In a general sense, almost all of the programs are now announced through competitive Federal Register publication and it would be a very small percentage as of fiscal year 1981.

[The information follows:]

UNSOLICITED PROJECTS

Since 1974 approximately \$6.4 million have gone toward unsolicited projects; this is 5 percent of the total special emphasis allocation. Another \$15 million has gone towards model programs. Although, these projects were not part of any formal program they did have specific programmatic objectives. It should be further noted that since 1979 the Office has maintained a policy which encourages open and formal competition for grants and that the number of grants not part of a formal program that are receiving discretionary funds has been extremely limited.

Mr. EARLY. Will you supply for the record your assessment of the results?

[The information follows:]

RESULTS OF UNSOLICITED PROJECTS

The results of the funding of extra-initiative projects are exemplified in the following project summaries.

Examples:

- (1) Projects implemented by small groups and organizations.

"An Alternative Approach to Gang Violence in the Schools"

A grant to the Joint Center for Community Studies for implementation by SEY YES, Inc. enabled a community based organization to implement a gang violence intervention project in Los Angeles. The project provided staff to monitor and intervene in incidents on school property, supervise athletic events, mediate gang conflicts in the community, provide rumor control and, provide technical assistance to school administrators and teachers in the recognition of developing crises and the diffusion and management of conflict. Schools in the communities serviced by this project overwhelmingly joined law enforcement in praising project achievements.

"Hot Line Cares, Inc."

A grant to Hot Line Cares, Inc., a community based volunteer oriented organization, provided emergency telephone counseling and referral services for youth residing in Spanish Harlem. Project goals included fostering youth development and leadership activities, community improvement and strengthening ties between Spanish Harlem and city agencies. This grantee later successfully competed for funds under the Capacity Building Initiative and will operate for two additional years.

- (2) Projects responding to special needs.

"Phencyclidine Intervention Project"

A grant to Project HEAVY/Central in Los Angeles provided support for efforts to educate youth and adults as to the dangers of phencyclidine (PCP) use. Staff conducted sessions at schools, juvenile treatment facilities and other public forums. Publications discussing PCP were developed and distributed. Project funds supported counseling and emergency residential treatment for young PCP users in crisis situations.

"Family Crisis Intervention"

A grant to the Urban Indian Child Resource Center in Oakland, California provided funds for activities to provide advocacy, counseling and referral services to delinquent urban Indian youth and their families. The project provided treatment and intervention services to over 100 Indian teenagers and their younger siblings, as well as informed their parents as to their responsibilities in connection with the juvenile justice system.

"Peer Culture Development"

A grant to the Center for Human Services in Rock Island, Illinois provided five secondary schools in Rock Island with a delinquency prevention and treatment program designed to reduce the number of juveniles petitioned to the court, reduce the school dropout rate and reduce the number of violent incidents in the school. The project methodology involved the use of peer group counseling to help young people resolve problems. Since the project began in 1975, the program has been replicated in other cities including Chicago. Project results include significant reductions in truancy, disciplinary problems and delinquent acts among project youth.

- (3) Projects demonstrating unique or innovative project models or elements.

"Legis/50"

A grant to Legis/50 entitled "The Model Committee Staff Project in Juvenile Justice" provided technical assistance and information on juvenile justice issues to state level legislative committees thereby equipping state legislatures to function more effectively in the development of policies and legislative initiatives in the area of juvenile justice. Legis/50 has staffed six legislative committees.

Achievements include 1) the introduction of a major legislative package in Oklahoma, 2) coordination of statutes in South Carolina aimed at a consolidated Juvenile Code, 3) a comprehensive report in Missouri containing 16 recommendations for juvenile reform, 4) introduction of legislation in Arizona, 5) inspection of juvenile facilities in Louisiana, and 6) a comprehensive report on juvenile justice in Illinois.

"Youth Arbitration Center"

A grant to the Washington Urban League supported innovative intervention techniques in two Washington, D.C. service areas. The project was an effort to determine the effectiveness of the arbitration model 1) in helping non-delinquent youth and their families to decrease family problems and 2) in reducing potential delinquent behavior and resulting incarceration. The Center acted as an intervening mechanism, whereby families who would normally settle serious disputes by petitioning the court to take action would be referred by the court to the arbitration center in order to resolve the conflict. The neighborhood center provided crisis intervention, counseling and various other services, and acted as a referral source for other youth. They assisted people in the service areas to deal effectively with serious problems which otherwise would have led to criminal justice system involvement. Over 2,500 youth and their families received services resulting from 391 referrals. This project has been the primary method for providing needed services to D.C. youths classified as persons in need of supervision.

- (4) Projects increasing the capacity of voluntary organizations to prevent juvenile delinquency.

"Increasing the Capacity of Voluntary Organizations for the Prevention and Treatment of Juvenile Delinquency Among Girls"

A grant to the National Board of the YWCA has provided leadership training and other services to 1,994 young women. The types of activities supported include 1) involving teenage girls in project planning, 2) leadership training seminars and, 3) hot line crisis counseling. Under this grant 15 local YWCA's and six national voluntary organizations actually implemented activities. The National Board of the YWCA provided technical assistance to other national youth serving organizations on the special needs of young women in youth service programs.

"National Hispanic Youth Advocacy and Action Project"

A grant to the National Coalition of Hispanic Mental Health and Human Services Organizations (COSSHMO) enabled this organization to implement juvenile delinquency prevention activities in four cities with large Hispanic youth populations. A project objective was to develop a youth service network among one-third of COSSHMO's 200 affiliate agencies. A second objective was to provide leadership training to youth with an emphasis on assertiveness, public speaking skills and to establish an internship program for graduate and under-graduate students. Through this grant the capacity of eighty local youth serving agencies was increased in the area of youth programming.

"Operation Sisters United"

A grant to the National Council of Negro Women provided funds for a demonstration effort to provide alternatives to traditional court handling for young female offenders in three sites: Dayton, Ohio; Greenville, Mississippi; and St. Thomas, V.I. A supplemental grant enabled the project to be implemented in two additional sites, Berkeley, California and Newark, New Jersey. The project also sought to increase the capacity of community resources in the three sites to deliver services to juvenile female offenders through utilizing the affiliates of the National Council of Negro Women in locating and coordinating resources for female delinquents. Through the use of volunteers, the project has been able to provide one-to-one services to approximately 650 female juvenile offenders per year. Activities and services include: individual and family counseling, pre-vocational training, tutoring, family-life education and cultural heritage programs.

PROJECT EVALUATION AND MONITORING

Mr. EARLY. To what extent have these efforts been evaluated and monitored?

Mr. LAUER. All of the special emphasis programs have been evaluated and monitored. There is a whole system of monitoring each of those special emphasis grants that is developed at the time the grant is awarded. We do not evaluate the complete program but approximately six or so grants are evaluated in each program so we can determine, for example, whether a restitution project was successful, whether there was a favorable cost-benefit ratio, whether it should be repeated in other jurisdictions. The evaluations are then printed up and through an information dissemination system sent out through the National Criminal Justice Reference Service to any requestor.

Mr. EARLY. Fine.

ROLE OF EVALUATIONS IN PROGRAM DEVELOPMENT

In March of 1980 the General Accounting Office issued a report entitled "States are Funding Juvenile Justice Projects that Conform to Legislative Objectives." GAO recommended that more comprehensive information on the status of juvenile justice funds be provided in determining future funding levels.

What action have you taken with regard to this recommendation?

Mr. LAUER. We have tried, and I am not sure we are completely successful yet—I know there is another GAO report coming out—we have tried to tailor every program development to existing evaluations, whether supported by Federal funds or by private foundations, and utilized those results in the development of future programs.

Some of them, for example, we have taken as many as seven sources of information, whether they be evaluations or hearings that were conducted on the Hill, and built them into program development, publishing those programs and getting comments from the public over a 60-day period before we put them into effect.

We also used the National Advisory Committee for the same purposes.

[The following information was submitted subsequent to the hearing:]

GAO RECOMMENDATIONS

The GAO report recommends that the Law Enforcement Assistance Administration "provide more comprehensive information on the status of juvenile justice funds in the States when recommending future funding levels for the program." At the present time, the LEAA financial reporting system only requires that States supply information to LEAA on the amounts of obligations and expenditures of formula grants funds.

The OJJDP has been aware that the financial information provided under the present system is inadequate and has taken several steps to collect more current information on the status of funds. The formula Grants Division of OJJDP has requested a verbal report from the States covering obligations, expenditures and commitments. Information is being obtained in this manner because LEAA has not been able to mandate a formal reporting system. In addition to the above, OJJDP has entered into negotiations with the National Criminal Justice Association to promulgate directives to the States, stressing the need for and timely development of more comprehensive management data on the status of formula grant funds.

Mr. EARLY. With respect to administration of the Juvenile Justice program, the justifications indicate that you are proposing to eliminate 195 positions. The justifications also indicate that no funds are requested to pay for the terminal leave and separation allowances which will be needed to pay employees who will be terminated due to the elimination of the LEAA and Juvenile Justice programs. How many employees will have to be terminated and what will the cost be?

Mr. DIEGELMAN. I can give you an overview.

We presently at this point have 405 permanent full-time employees on board. The Administration budget calls for a fiscal year 1982 ceiling of 214 positions as a start and 199 positions as an end-of-year ceiling.

To give an easy answer to the question, over the next 12 months will probably have to terminate approximately 100 employees. At this point we are proposing and we will at a later date be approaching the committee with a request for reprogramming of approximately \$1.5 million, if we can identify those funds over the months ahead, to pay the terminal leave and severance costs related to that action of terminating.

Mr. EARLY. So specifically, you have no funds included for payments of termination costs because you expect to reprogram the money?

Mr. DIEGELMAN. Yes, sir, we do at a later date.

Mr. EARLY. How much in reverted program funds do you anticipate will be available later this year from which you could reprogram the necessary amounts for termination costs?

Mr. DIEGELMAN. We expect to be able to come up with the entire \$1.5 million needed. At this point we have approximately \$1.2 million in unallocated, unobligated prior-year funds that could be used for that purpose. We still need to identify the remaining \$300,000.

STAFFING LEVEL UNNECESSARY TO CLOSE OUT ASSISTANCE PROGRAM

Mr. EARLY. Why will it take 125 positions to close out the juvenile justice program and the LEAA programs, especially in light of the fact that you have transferred the audit function to the General Administration appropriation in the Department of Justice?

Mr. DIEGELMAN. For a number of reasons.

First of all, it is proposed under the fiscal year 1982 budget that centralized support services for all of the remaining portions of the program be provided by OJARS. Financial management, personnel, administration, property, administrative services, civil rights investigation, and general counsel are all services that OJARS will provide for the Public Safety Officers Benefits program, the National Institute of Justice and the Bureau of Justice Statistics.

At the same time, even though this program as well as the LEAA programs are being terminated by budget action, we do have a pipeline of remaining active funds to administer. Due to the three-year life cycle, fiscal year 1980 funds in the LEAA case are active through fiscal year 1982 and will be finally closed out early in calendar 1983. A similar situation exists with the juvenile justice program? You will have fiscal year 1981 money active through fiscal year 1983 and terminated in calendar 1984.

There is a full range of activities necessary to close out these grants, to balance the books. Audit is just one aspect of the close-out process.

Mr. EARLY. Why don't you supply for the record how those 125 positions would be used for closing out the LEAA, and how many would be allocated to closing out the juvenile justice program? [The information follows:]

POSITION DISTRIBUTION

We are presently conducting work load studies to determine the most effective distribution of the 125 positions provided in the OJARS, LEAA, OJJDP, PSOB appropriation. Five of these positions, of course, are automatically encumbered to operate the PSOB program. The remaining 120 positions will be required to provide ongoing support for the PSOB program and the research and statistics programs in addition to the phase out of the criminal justice and juvenile justice assistance programs. The exact distribution of positions required to effectively phase out these latter two programs while maintaining financial management, personnel, grants administration, property management, general administrative services, civil rights compliance activities, and legal counsel for all JSIA organizations is yet to be determined.

PSOB AWARDS IN FISCAL YEARS 1979 AND 1980

Mr. EARLY. With respect to the Public Safety Officer Benefits program, which is funded in this appropriation, how many awards were made in fiscal years 1979 and 1980?

Mr. DIEGELMAN. On the average we handle about 250 claims a year. I think we can give you a year-by-year breakdown for the record.

Mr. EARLY. Just for 1979 and 1980.

What was the total amount paid in those two fiscal years?

Mr. DIEGELMAN. We can provide that.

[The information follows:]

PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM—PROGRAM EXPERIENCE

	Claims	Approved	Denied	Dollar amount
Fiscal year:				
1979.....	322	258	99	\$12,900,000
1980.....	291	231	72	11,550,000
1981 (through March).....	143	133	34	6,650,000

Note.—Claims and determinations do not match by fiscal year because cases are carried over.

PSOB AWARDS FOR FISCAL YEARS 1981 AND 1982

Mr. EARLY. How many awards are estimated for fiscal year 1981 and 1982?

Mr. DIEGELMAN. Approximately 250. We have been averaging 250 now.

Mr. EARLY. What is the total amount of money estimated?

Mr. DIEGELMAN. \$12.5 million.

Mr. EARLY. \$12.5 million.

I will yield.

Mr. SMITH. I have no questions

Mr. EARLY. I will yield to Mr. Hightower for any questions he may have at this time.

Mr. HIGHTOWER. I have some questions that I will submit for the record.

[The information follows:]

QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

You state that the Research and Statistics office operates programs for the identification and development of new, more effective strategies to deal with crime and its perpetrators. Would you please give us some examples?

Through its research, development, testing, and evaluation programs, the National Institute of Justice works to develop or identify new or improved approaches to dealing with crime and improving criminal justice. Recent examples include:

Long-term career criminal research conducted by the Rand Corporation for NIJ has provided the basis for the development of enforcement and prosecution strategies for increasing conviction rates for repeat serious offenders.

Through its Exemplary Projects Program, NIJ has identified and validated the effectiveness of two outstanding local career criminal prosecution programs — in New York and San Diego — which serve as models for other communities interested in establishing such programs. NIJ also sponsored a national workshop for directors of major career criminal programs which reviewed research results to date and their implications for program operations. Finally NIJ developed a Policy Brief for state officials and legislators that summarizes key issues involved in controlling the career criminal.

Institute research and field experimentation has also focused on bolstering the effectiveness of police in dealing with crime. An example is research on the role of the detective, conducted several years ago, which led to a field test of new approaches for more effective and efficient management of criminal investigations. Last year, NIJ disseminated the results of the test to aid police administrators in deciding how best to allocate scarce investigative resources. The results demonstrated that effective investigative performance can be maintained with fewer resources — a potential cost savings benefit for financially-strapped departments.

NIJ also documented as a national model a special police approach to dealing with violent street crimes. The New York City Police Street Crime Unit uses decoy tactics to focus on the crimes of robbery, grand larceny and assault. Carefully validated by NIJ, the project was designated exemplary and information on the approach has been widely disseminated to departments throughout the country. More than 15,000 copies of the program manual have been distributed in response to requests from departments; 29 visits to the project have been made by police officials under NIJ auspices; and information on the program has been presented in four workshops reaching more than 1,000 state and local officials.

Basic research on violent crime is also underway at an NIJ sponsored Center for Interdisciplinary Study of Violent Crime at the University of Pennsylvania. Directed by Dr. Marvin Wolfgang, the Center is studying the causes and control of criminal violence. While that

research proceeds, other Institute research and experimentation is looking at specific aspects of violent crime and ways to control it. These include:

- Research on rape that led to guidelines and training for both police and community officials in coping with this particularly traumatic crime.
- Research on homicide and robbery, two major violent crimes which generate widespread fear.
- Model programs to deal with crimes such as robbery and commercial burglary, including an Exemplary Project in Seattle that uses hidden cameras to increase both apprehension and conviction of commercial robbers; and a field test of techniques aimed at reducing commercial crime — especially robbery, burglary, and larceny — in small retail and service businesses. The test is now underway in three communities and results are expected next year.

Throughout the justifications you mention recentralization of the support staff. Why was this staff decentralized in the first place?

Under the JSIA and the JJDP Acts, a total of five separate offices are created. These two pieces of legislation provide that the various offices be headed by a Presidential appointee with independent authority in the awarding of grants and contracts. In order to support the conduct of those functions, the original JSIA reorganization proposals, endorsed by the Department of Justice and OMB, envisioned small support staffs within the program organizations (LEAA, NIJ, BJS and OJJDP), while the major portion of support services, particularly accounting, would be provided by OJARS. As a result of the massive budget and personnel reductions sustained by the various JSIA agencies over the past two fiscal years, the only sensible solution to the support staff problem is the centralization of these activities in OJARS. This eliminates redundancy and utilizes the principle of economy of scale.

What is the National Crime Survey of Victimization mentioned on page 4 of the justifications?

The National Crime Survey (NCS) is a survey of approximately 60,000 households which reaches roughly 132,000 American citizens and asks these household residents whether they have been the victims of any criminal incidents or encounters during the previous years. Information is obtained on the extent of robberies, rapes, burglaries, assaults, larcenies and other events. Together with the Uniform Crime Report (UCR), the national victimization surveys have provided, since 1975, a critically important national indication of the intent, prevalence, and severity of crime in the Nation.

Can you give us some of your findings from your research in crime involving computer fraud and other white collar crime involving computers?

BJS has funded three projects in the area of computer-related crime.

The first was an introductory effort which defined and discussed the subject of computer-related crime (Survey and Analysis of Computer Crime). The study identified an array of EDP and legal factors which were of particular relevance to criminal justice practitioners. A manual was prepared which in general terms discussed the computer environment and identified a variety of methods for the perpetration and detection of computer-related crime. The manual has been widely distributed and is now in its second printing.

The second project (Technical Assistance for the Prosecution and Investigation of Computer-Related Crime) involved the identification of the training needs of prosecutors and investigators and a program of training and technical assistance in response to these needs. Over 350 judges, prosecutors and public and private sector investigators were contacted in an attempt to determine what knowledge is relevant to effective efforts against this form of criminal activity. There was general agreement that practitioners in the field should be versed in the following:

1. Background knowledge of computers including: fundamentals of computer technology, data telecommunications, and an understanding of EDP terms.
2. Knowledge of how computer crimes are perpetrated, including the various known and potential means of violating internal security and concealing evidence of illicit entry and use.
3. Knowledge of a wide-range of legal implications associated with computer-related crime, including the applicability of existing statutes, privacy issues, the admissibility of evidence and the use of expert witnesses.

In response to these identified needs, a training program was designed, and administered in four cities. In addition, documents relating to the use of expert witnesses and an overview of relevant statutes and case law were prepared and made available to the general public.

Another effort recently funded by BJS is analyzing the methodological issues associated with measuring levels of electronic funds transfer crime (Analysis of EFTS). Many of the issues identified in connection with EFTS are of relevance to statistical efforts in the overall area of computer crime. To date, the project has addressed the significant problem of defining and classifying EFT/Computer Crime within the context of the existing body of law, the need to identify existing and potential means to access diverse public and private data sources, and the exploration of appropriate data analysis techniques which will provide useful information to government, the private sector and the general public in combatting this sophisticated area of criminal activity. A final report and recommendations will be submitted in February 1982.

Do you plan to provide guidance or assistance to State and local governments in establishing locally funded Juvenile Justice programs. If no, in what way?

The Office of Juvenile Justice and Delinquency Prevention has always aimed at providing guidance and assistance to State and local governments in establishing locally funded juvenile justice programs. The Office has accomplished this through various means.

A primary source of assistance to State and local agencies has been the Office's national technical assistance program. Through this program, expertise is provided to local agencies along with, or in many instances, in lieu of, program dollars. Numerous examples of programs that have been initiated and funded locally as a result of this assistance can be cited. Expertise has been provided in such areas as delinquency prevention, risk assessment, shelter care, removal of children from adult jails, and program cost effectiveness.

Another source of assistance to State and local agencies has been the Office's research, documentation and dissemination effort. Through the careful evaluation of various program theories and concepts, the Office has been able to document a number of juvenile program models which appear to have a high probability of success. As a result, monographs have been developed which are aimed at assisting local agencies in replicating programs to meet their need. Areas of research have included the serious juvenile offender, community treatment alternatives, alternative education, and child abuse and neglect.

Still another source of assistance to local agencies is the Federal juvenile justice representatives and the State Criminal Justice specialists. These individuals provide information and guidance to local agencies concerning the development of meaningful juvenile programs within existing local resources.

LEAA ACCOMPLISHMENTS AND IMPACT OF BUDGET REDUCTION

Mr. EARLY. Mr. Miller?

Mr. MILLER. For the record, perhaps it can be expressed as to what good has LEAA accomplished and what is not being accomplished at the present time under the reduction in budget, and whether any other agency would be picking up under their budgets some of the responsibilities that LEAA has carried over the years. If you could prepare that for the record, I would appreciate it.

Thank you.

[The information follows:]

LEAA ACCOMPLISHMENTS

Over the past 12 years, LEAA has invested about \$7.5 billion in efforts to improve the administration of justice and control crime. Through these monies thousands of successful improvement projects have been implemented in every component of the criminal justice system.

Approximately \$5 billion has been provided to States in the form of block grants and spent on State and local priorities. For the most part block funds have been used to initiate new activities at the State and local level, and most of these (about 85 percent) which prove to be successful are assumed by State and local governments after Federal funding ends. Under the block program, States have instituted processes for improved coordination and management of the criminal justice system, many of which are expected to continue as on-going functions of State government.

At the national level, LEAA funds have been used to support high priority, innovative programs in such areas as arson, victim/witness assistance, and career criminal prosecution. LEAA monies have also supported training and education programs and technical assistance. A brief review of the results of some of these initiatives follows:

- o Career Criminal Program. This program enables prosecutor offices to identify and effectively prosecute serious, repeat offenders. Prosecutors screen all felony charges and identify individuals charged with serious felonies as "career criminals" by analysis of their criminal records. Cases are thoroughly prepared and expeditiously presented to court, without resort to plea bargaining.

The full program has been adopted by 39 jurisdictions; statewide efforts have begun in New York and California. Since 1975, 11,822 career criminal defendants have been prosecuted; 93 percent convicted (most to the top charge); and the average sentence received was 13 years, 8 months.

- o Integrated Criminal Apprehension Program (ICAP). This program provides a method for integrating and directing police field activities. Police personnel are specifically trained in crime prevention and investigative procedures. Crime analysis is used to permit better deployment of police patrols, and increase the quality of arrests. The ICAP process for deployment, allocation and beat structure change has proven successful. Overtime costs have been reduced as much as \$560 per patrol officer a year. Patrol force strength has been increased up to 55 percent. ICAP presently services 29 police agencies in 18 States.

- o STING Anti-Fencing. Under this program, Federal, State and local officials cooperate in undercover operations which purchase stolen property and obtain evidence to convict the criminals involved. Almost 100 STING projects have been completed in 47 cities. 9,846 persons have been arrested, and 90 percent of these have been convicted. About \$300 million in stolen property has been recovered, with most of it returned to the rightful owners.
- o Victim-Witness Assistance. This program attempts to remedy the indifference, delay and lack of information which often confront victims and witnesses of crime. About 200 projects have received LEAA assistance to provide such services as crisis intervention, counseling, social service referral, expedited property return and payment of witness fees, and improved methods of witness notification. A witness "on-call" system in New York City, for example, reduced court appearances by police officers by 50 percent, eliminating millions in overtime payments. Recent LEAA victim/witness efforts support the development of statewide networks, the creation of a national victim resource center, and the observance of a national victims rights week.
- o PROMIS. The Prosecutor's Management Information System, a computer-based information system for the prosecutor, was designed by LEAA as a response to the common experience in large urban areas that court processes are overwhelmed by the high volume of criminal cases. PROMIS provides rapid and accurate information processing which prioritizes cases, alerts officials to multiple offenders, develops statistical reports and facilitates cases management.
- o Arson Control. In December 1979, LEAA launched an Arson Control Assistance Program designed to help state and local governments reduce the incidence of arson and losses stemming from the crime. More than \$1 million in LEAA funds supported the provision of training and technical assistance to state and local jurisdictions by the FBI, the U.S. Fire Administration and the Bureau of Alcohol, Tobacco and Firearms. Discretionary awards made directly to state and local governments totalling some \$8 million were used to merge state officials, local district attorneys, fire, police and other enforcement-related representatives into cooperative arson control units.
- o Family Violence. This program serves to emphasize the criminality of domestic violence and to make the public, along with the criminal justice system, more responsive to the problem. Some \$8 million has been used to support 34 state and local projects since late 1977. These projects have helped reduce the waste of court and prosecutor time on cases which do not reach disposition; increase conviction rates; and, increase public support for responsive law enforcement.

- o Court Delay Reduction. Through this effort, courts can adopt procedures which clear up congested dockets and eliminate delay; assist states and local systems to comply with speedy disposition requirements; and, reduce inconvenience to victims, witnesses and jurors.

Funding for the program started in 1977. Since that time nearly \$9 million has been used to help four states and 19 metropolitan cities and counties improve court processes.

- o Free Venture Prison Industries. LEAA has spent over \$6 million during the past three years to revitalize prison industry programs through the Free Venture Prison Industries Model. The effort identifies elements necessary for a prison industry to operate like a private business. Free Venture increases productivity and efficiency in prison industries. Prisoner wages have been used to pay taxes, room and board, family support and victim restitution.
- o TASC. LEAA's Treatment Alternatives to Street Crime program, serves to reduce recidivism among drug/alcohol abusing offenders; to improve harmony between treatment and criminal justice agencies; and, to provide the criminal justice system with more choices for dealing with the substance abusing offender.

Between 1972 and 1980, LEAA supported 72 TASC projects including nine statewide efforts with some \$43 million. Evaluations have shown that 64 percent of the 52,000 offenders placed in TASC projects were successfully discharged. In Sonoma County, California, 91 percent of the 201 TASC clients studied over 1 and 1/2 years had no subsequent arrests. A Chicago, Illinois, TASC project reports that of the 1,744 clients treated between 1976 and 1980 only 6.9 percent were re-arrested.

- o Comprehensive Crime Prevention Program. This program brings together citizens, police, private business and local government in a comprehensive, coordinated approach to crime prevention. Projects have been funded in 16 jurisdictions. The program has been highly successful in building city-wide coalitions and lasting partnerships among criminal justice officials, other local government agencies, the business sector and community groups. An estimated 500,000 persons have been actively involved in the effort and local officials attest to its positive impact on crime prevention.
- o Economic Crime Project. Operated through the National District Attorneys' Association, this project assisted in the creation or expansion of economic crime prosecutorial units. By 1980 there were 70 active locally supported units. With the end of LEAA funds, this project has terminated.

- o Juror Utilization. This program has achieved improvements in trial court jury systems through the application of specific, proven techniques of juror utilization and management. The basic objectives are equity, savings and satisfaction. The majority of participating courts realize substantial dollar savings and more effective use of juror and court personnel time.
- o Jail Overcrowding. This program provides specialized technical assistance to relieve jail overcrowding, particularly of pre-trial detainees. The program employs a two-phased approach: a short-term planning period followed by implementation. Of the 45 counties, cities and states selected for Phase I assistance, 43 have completed or are currently completing the jail planning process prescribed. Some such as Portland, Tuscon, and New Orleans have show dramatic drops in their pre-trial jail populations. San Francisco reduced jail intake for public drunks by 50 percent.
- o Community Anti-Crime Program. Over 200 neighborhood-based projects have been initiated since 1977. The program has mobilized an estimated 1 million citizens into volunteer anti-crime programs in their neighborhoods in virtually every major city in the nation. Individual projects have reported reductions in crime ranging from 10-15 percent in target neighborhoods.
- o Court Improvement. About \$16 million has been invested in efforts to improve the operations, services, and financing of State court systems. The assistance provided has been instrumental in establishing offices of State court administrators, revising criminal codes and court rules and procedures, and reorganizing State court systems.
- o Medical Care and Health Services in Jails. Through the American Medical Association, monies have been made available to improve jail health care delivery to meet minimum performance standards. 23 States and 230 jails have participated in the program since 1975. Standards have been developed, technical assistance provided, and 75 jails accredited.
- o Law Enforcement Accreditation. The Commission on Accreditation for Law Enforcement Agencies was formed in 1979 to establish agency standards and develop an accreditation process that will give state and local law enforcement agencies an opportunity to voluntarily demonstrate that they meet professional criteria.

The overall goal of the accreditation program is the improvement of law enforcement services in this country. It has the potential of being the most significant development in the history of American policing. The project is backed by the International Association of Chiefs of Police (IACP),

the National Sheriffs' Association (NSA), the National Organization of Black Law Enforcement Officials (NOBLE), and the Police Executive Research Forum (PERF).

- o Corrections Accreditation. LEAA funds supported the establishment of a Commission on Accreditation for Corrections and the development and implementation of a corrections standards and accreditation process. To date, 31 States are under contract with the Commission and almost 100 correctional agencies have been accredited.
- o Crime Prevention Education. LEAA funds have supported the development of a broad-scale public education effort known as the National Citizens Crime Prevention Campaign. The Campaign is undertaken by LEAA/OJARS in cooperation with the Advertising Council, Inc. and about 50 national organizations and other Federal agencies. More than \$30 million of documented time and space has been donated by the media to the crime prevention messages.
- o Anti-Terrorism. This program has led to the implementation of a number of training courses related to combatting terrorist activities. About 2,000 bomb disposal experts have been trained through the Hazardous Devices Course supported by LEAA funds and conducted by the U.S. Army. In addition, LEAA has joined the Bureau of Alcohol, Tobacco and Firearms in conducting training programs for state and local law enforcement personnel in the latest enforcement techniques involving firearms identification. LEAA and the FBI have developed a Special Operations and Research Staff that can respond to requests from state and local units for technical assistance involving negotiations and decision-making during terrorist incidents. LEAA and the FBI also have joined forces in a Bomb Scene Investigative Training Program. Training is offered either at the FBI Academy or at regional sites and provides instruction to law enforcement officers on how to respond and investigate cases involving improvised explosive devices. With support from the U.S. Air Force and the Federal Aviation Administration, LEAA has trained police officer and dog teams in explosives detection. Since 1972, more than 100 teams have been trained at 30 airports across the country. The units have assisted in more than 500 arrests and searches in buildings, airports, and airplanes.
- o Courts Training and Technical Assistance. LEAA monies have been made available to develop and implement a wide variety of training and TA programs for prosecutors, defense attorneys, judges and court support personnel. These programs have included national training courses for 2,000 judges, special seminars for appellate judges, training for Indian court judges, courses for local prosecutors (about 10,000 have received training since 1971), training for defense attorney (6,000 served), and technical assistance to State and local courts in resolving management and operational problems.

- o Manpower Development. LEAA has supported the development and testing of standards for employee recruitment, selection, education, training, performance evaluation and career development, and provided technical assistance in manpower planning. Five regional training and technical assistance centers have been established. Efforts have been made to upgrade criminal justice curricula, faculty and teaching materials and to increase the number of individuals, including minorities, in criminal justice higher education.
- o Organized Crime. Joint Federal, State and local strike forces have been established. From the 16 projects funded, 1,600 individuals were arrested and 75 percent convicted. Over 7,000 investigators and prosecutors have been trained in sophisticated and non-traditional investigative and prosecutorial techniques. Six regional intelligence systems have been established.

In addition to these program initiatives which have led to significant criminal justice system improvement, LEAA has responded to needs for emergency assistance by State or local governments. Recent examples of this kind of assistance include aid for response to the Atlanta child murders, the Mount St. Helen's volcano eruption; and the New Mexico State prison riot.

IMPACT OF THE BUDGET REDUCTIONS

In fiscal year 1981 budget authority was eliminated for all the LEAA criminal justice assistance programs, effectively terminating all new spending and putting the program in a phase-out mode. The Administration's FY 1982 request continues this direction. No monies are provided for State and local criminal justice assistance. The State block grant program, the national priority and discretionary grant programs, training grants, and the community anti-crime program, are all eliminated. In addition, the FY 1982 request would eliminate the juvenile justice program.

The impact of these reductions in the LEAA program is widespread. A number of successful and effective improvement programs will be discontinued simply due to lack of funding. State and local governments will lose access to the only resources generally available for the implementation of new and innovative concepts and techniques. An estimated 30,000 persons employed by Federal, State, and local agencies may lose their jobs as projects terminate. Maintenance-of-effort funds available for juvenile justice purposes are eliminated.

Of the programs described above, most will cease to exist without LEAA support. This is particularly true of the national level training and technical assistance efforts that require continuous support, such as anti-terrorism training, courts training, and crime prevention public education.

The future of State and local demonstration programs is more mixed. Historically, LEAA has experienced a high rate of project cost assumption by State and local governments. Therefore, many of the individual successful projects started with LEAA dollars may be continued by State and local general funds. What has been lost is the ability to provide Federal seed money to pay the start-up costs for other jurisdictions wanting to replicate or adapt an effective program, such as Career Criminal Prosecution or ICAP. The loss of Federal seed money is also slowing perceptibly the community crime prevention movement in this country. Furthermore, the absence of Federal resources is hampering efforts to develop, test and evaluate new approaches to crime reduction, so that more effective efforts can be implemented.

A few of the LEAA programs have been or will be picked up by other Federal agencies. The Federal Bureau of Investigation (FBI) has already assumed responsibility for the Hazardous Devices Course conducted by the U.S. Army at Redstone Arsenal. The National Institute of Corrections and Bureau of Prisons plan to continue support of the corrections Commission on Accreditation. The Bureau of Indian Affairs has indicated that it will support training of Indian judges, although mainly that portion related to civil matters. The U.S. Fire Administration intends to continue some limited training in the area of arson control, and the Bureau of Alcohol, Tobacco, and Firearms, hopes to provide technical assistance to local agencies to the extent possible. Thus, for the most part LEAA program responsibilities are not being transferred to other Federal agencies.

Mr. EARLY. Mr. Rooney, if you have anyone here that should be excused because of this please let them go. Otherwise we are just going to continue.

RESEARCH AND STATISTICS

The second appropriation item under the Office of Justice Assistance, Research, and Statistics is Research and Statistics. The request for fiscal year 1982 is \$39.233 million, which is an increase of \$20.233 million above the appropriation enacted to date for fiscal year 1981.

You are requesting funds for the National Institute of Justice for research, evaluation and demonstration programs because such research is, in your words, "far beyond the financial capabilities of hard-pressed state and local criminal justice agencies."

You also are requesting funds for the Bureau of Justice Statistics to collect data on crime in the criminal justice system because "state and local agencies are in no position to fund major statistical activities of their own." Yet you are requesting no funds for the National Institute of Juvenile Justice and Delinquency Prevention to perform these same functions in the juvenile justice area. You also have not added any funds to your request for the National Institute of Justice so they could conduct research in the juvenile area. Why?

Mr. DIEGELMAN. Well, in answer to the first question, Mr. Chairman, with the passage of the Justice System Improvement Act in December of 1979, it was envisioned that basic juvenile justice research would be continued under a National Institute of Justice and not under the National Institutes of Juvenile Justice and Delinquency Prevention. In other words, there is statutory authority within the NIJ to continue juvenile justice research.

At the same time, the budget we are requesting in 1982 for the National Institute of Justice does not at this point include a specific earmark for juvenile-related research. However, we are just now beginning to enter into the program planning cycle, to determine the specific areas of research to be supported with fiscal year 1982 funds.

It is quite possible that some portion of the NIJJDP research funding activities will be continued under the National Institute of Justice. I can't put a dollar value on it this afternoon.

JUSTICE RELATED RESEARCH BY OTHER AGENCIES

Mr. EARLY. On page 7 of the original justifications, it is stated that the National Institute of Justice is the only organization performing research in criminal justice programs of benefit to state and local agencies. What is the mission of the National Institute of Corrections in this regard, and how do you ensure that you do not duplicate their efforts?

Mr. DIEGELMAN. Mr. Chairman, although we make that statement, there are obviously some additional Federal research agencies that do some type of crime or justice related research. One of course is the National Institute of Corrections. Another is the National Institute of Mental Health which does do some crime-related research, particularly in terms of the correlation between crime, drug abuse, alcoholism and related factors.

At the same time, there is research that is done through the National Science Foundation on the relationship between social policy and crime in our country. The real distinction, however, between what we do in the National Institute of Justice and what is done in these other organizations is that we do research that is primarily a combination of both basic and applied—basic insofar as it looks at the fundamental origins or causes of crime; applied insofar as it is geared toward having some operational impact on the criminal justice community.

As a result of our research, we are specifically funding activities that will have an impact upon the police and other criminal justice agencies. We have a very well-defined training, dissemination, technical assistance role which most of the other agencies do not have.

The National Institute of Corrections, however, deals much more specifically with the operational problems of the correctional community. It is a small agency with a budget of approximately \$12 million. It holds a series of public hearings, specifically with correctional practitioners to find out what their operational problems are. Our correctional research is much more on long-term, fundamental issues in correction policies and programming.

I might also point out that there is a professional relationship among all these research agencies. We sit on each other's advisory boards, exchange program plans and have memoranda of understanding as to research areas where each will concentrate.

Mr. EARLY. You requested a \$17 million supplemental for fiscal year 1981 and a large increase over the fiscal year 1981 enacted appropriation for fiscal year 1982 for studies conducted by the National Institute of Justice and the Bureau of Justice Statistics.

SUBJECT AREAS OF NIJ RESEARCH

Last week my office received a news feature from NIJ releasing the results of a study that cost \$349,000. The study concluded that "the quality of arrests—measured by the rate of conviction—could greatly be improved if investigation officers paid more attention to responding within 30 minutes of the offense, immediately locating and interviewing witnesses, and obtaining tangible evidence."

Last year, I also recall receiving another notice of an NIJ study that concluded that more crimes are committed in the summer months than in the winter months.

Now respectfully, who doesn't know that?

I mean, these are the studies for which LEAA received so much criticism. How can we afford that type of research?

Mr. DIEGELMAN. Well, Mr. Chairman, you are raising a very relevant question on two scores.

One is the way the media actually handle the research.

The second is the nature and the use of the research results.

I have seen some rather significant research done by the National Institute of Justice over the last couple of years that were handled by the press in an absolutely flippant, if not irresponsible, way.

For years the criminal justice community has labored under the misapprehension that all we had to do was to get the law enforcement officer in the police car with sirens ablaze to show up on the scene five minutes faster and we would dramatically increase the arrest rate. Considerable research that was done in the Kansas City area pointed out that police response time doesn't have much bearing on the problem; the real question is the lapse of time between the commission of the crime and the actual reporting of the crime to the law enforcement agency.

So what might look like very frivolous and very insignificant research, in reality points to a very important finding: that the key to arresting a suspect—that will produce a conviction and possible incarceration—is not whether the police get there five minutes earlier, but whether there is a much earlier response on the part of a victim or witness of a crime so that the police officer can actually apprehend a suspect.

BASIS FOR SELECTING RESEARCH TOPICS

Mr. EARLY. Aren't those points obvious? Do we have to conduct any studies to show us that the sooner you report the crime the sooner Justice can get involved, and the sooner Justice gets involved, a higher rate of arrest and convictions will result?

Mr. DIEGELMAN. It might seem common sense to you and to me, but the truth of the matter is, you need to prove it with sufficient reliability that will convince people that they ought to change their method of responding to crime. The only way you can actually change people's mind who control programming in this country is by scientific studies with verifiable results.

Mr. EARLY. But no law enforcement officer is going to suggest anything different. At least I have never heard anyone. Maybe someone in your group will suggest those two things are not 100 percent true.

I do not think we need a study to tell us that. I assume that everyone is aware of such things.

You know, this is similar to other studies that were conducted for which you were criticized. Why does a prisoner want to get out of prison? I do not think we had to spend the moneys we spent on that to find out why he wants to get out.

Mr. DIEGELMAN. I would agree with you, Mr. Chairman, but I think we are going to have to look at the balance of the research program and not point to one or two findings that we might either consider to be a common sense. We have to look at the full range of research topics to determine whether the investment is valid.

We are tapping topics all the way from the effective allocation of police resources to research on improving street patrol effectiveness, identifying dangerous offenders and determining the appropriateness of pretrial detention. There is a full range of topics we are looking at.

One of the real problems with investment in research is that sometimes we spend five or even ten years and sometimes hun-

dreds of thousands or millions of dollars, only to prove or disprove what is held as common sense. That is why the Federal Government is in a much better position than state and local governments to make a long-term research investment to prove or disprove some of the common sense notions and some of the applicational or operational theories in existence.

State and local governments are having tremendous operational problems in terms of capital investment, and in terms of salaries. To talk to them about undertaking research which might, three years and half a million dollars later, prove nothing, is sheer folly. What I am saying very simply is, we have to look at the whole balance and at the topics that we are making an attempt at researching.

I also think we have to take a close look at the studies themselves and not the way that the media presents the studies.

Mr. EARLY. I think that you are going to get much higher quality research in statistics. I think you should get more to the specifics instead of rehashing a lot of things you people already know. So much research goes between the cracks, I do not think we need to keep rehashing some of those generalities we spoke about.

REDESIGN OF THE NATIONAL CRIME SURVEY

The justifications indicate that you are requesting an increase of \$1.160 million over appropriations anticipated for fiscal year 1981 to redesign the National Crime Survey of Victimization and evaluate the Uniform Crime Reports program. What is wrong with the National Crime Survey of Victimization that it has to be redesigned?

Mr. DIEGELMAN. Mr. Chairman, if I might, I am also accompanied by the Acting Director of the Bureau of Justice Statistics, who is much more attuned to the methodological issues than I. With your permission I will ask Mr. Renshaw to respond to your question.

Mr. RENSHAW. Mr. Chairman, each and every statistical series, whether within Justice or any other part of the government, is constantly scrutinized and evaluated in terms of its policy relevance, methodology, and design.

As part of our continuing efforts along that line, in 1976 we funded an examination of the National Crime Survey by the National Academy of Sciences. The victimization survey, as you may know, involves Bureau of Census workers going into 60,000 households over the course of a year and interviewing the residents of those households in an effort to determine what kinds of criminal encounters or incidents they have experienced during that year. It is a very complex study from the point of view of the questionnaire design, from the point of view of such issues as whether the respondent recalls, recalls correctly, and is able to bracket the occurrence.

The National Academy of Sciences gave us a large number of recommendations for improving the survey. The NCS is a very sophisticated survey, patterned along the same lines as the survey that gathers unemployment statistics, so there are always efforts to improve it. That is the nature of our current effort.

Mr. EARLY. But when a program has serious problems, I have found that the agencies suggest they are going to reorganize or redesign it. Why would we a redesign the study and not just complement what you have been doing.

Mr. RENSHAW. The word "redesign" as used in statistical surveys really does mean complement and improve. It is not comparable to a reorganization. It means examining all of the practices involved in collecting data, all of the means of sampling, and all of the means of being sure that the households you are dealing with are providing relevant information. I would be happy to provide for the record a brief summary of the redesign.

Mr. EARLY. No, I think you have explained it. I probably just misinterpreted it. I saw it as a reorganization.

What you are saying is that it is just complementary and supplementary.

BENEFITS OF VICTIMIZATION SURVEY

How much was spent on the original survey? Has that money been wasted?

Mr. RENSHAW. No, far from it, Mr. Chairman. The victimization survey was launched in 1973 and has been ongoing at roughly the same rates—60,000 households including approximately 132,000 American citizens interviewed each year.

The value of maintaining the continuity of the survey and of the investment which we make, which is admittedly between \$5 and \$7 million per year for that data collection and analysis, is now beginning to be realized. For example despite our concern, we have found that such crime as rape are a relatively rare event. Also with 7 or 8 years of data, we are now becoming increasingly able to look at specific phenomena of victimizations, for example, factors associated with rapes and with individual minority groups, such as a very recent report on the Hispanic victim. Not only has the effort not been wasted, it is characteristic of a statistical series that the real benefits—in terms of the way we can collect, analyze, and disseminate data that may be directly relevant to citizens, police departments and communities in crime efforts—accumulate after such a series has been in existence 7 or 8 years.

If you will recall, the uniform crime reports were launched in the 1930s. Thus, they now have 50 years of exposure and visibility to the American people.

The recent references to the victimization survey in Time and Newsweek, reveal journalistic concerns about the nature of the two surveys, whether they are competing or complementary. I think such exposure is going to begin to enhance the public's interest in the victimization survey as a major indicator of crime within the society.

Mr. EARLY. I think that your explanation indicates that the research and statistics that you are doing is productive and we are not really merely having a lot of different agencies putting together this research to satisfy a particular interest.

I am really pleased with your explanation. It looks like we are going to get some results that we are going to be able to evaluate and make adjustments.

Mr. RENSHAW. I would hope so.

Mr. Diegelman made an important point earlier that the prime use of the supplemental is to look at the design, look at the performance of both the Uniform Crime Reports—we will be sponsoring the studies to examine and assess that series—as well as the National Crime Survey so we are increasingly bringing those two together as a major source of data for the Congress and the Department.

STATISTICAL ASSISTANCE FOR STATES

Mr. EARLY. You are actually alleviating the State and local governments from their responsibilities of gathering statistics. They could never do it adequately with their few dollars. Is your group the only one that is doing this now?

Mr. RENSHAW. Within the sphere of criminal justice statistics we are the only ones. This new statute we are operating under is very direct in saying that we must place primary emphasis, quoting almost verbatim the words of the statute, on state and local systems and utilize state and local mechanisms in obtaining the data. The programs launched over the last decade of directly assisting states in establishing analysis centers, improving their reporting of crime report data, and improving their local capacity to assist their governors and assist legislatures is a critical part of our program.

National statistics can only be obtained in a very limited number of ways, and one of the key ways is to directly support the states as the feeder of that data.

Mr. EARLY. What are we doing with the data gathered by the states. Are they forwarding it to your agency?

Mr. RENSHAW. Well, really more than that, Mr. Chairman.

We are in some instances giving the states standards by which they report state-by-state data and then we study that information and form a national picture. The victimization survey, in contrast is clearly a national effort. We fund the Bureau of the Census to collect the data. But we also support state analysis centers if they want to do local victimization surveys. We give them a lot of help in terms of what we have learned about how these surveys are best conducted.

There are a variety of roles for the Bureau. Perhaps in the next decade one that will be carried over is the very important legacy of funding in the last seven or eight years for state analysis centers and we will be continuing helping the states to support an agency to work with police departments in improving the uniform crime reporting data.

EVALUATION OF UNIFORM CRIME REPORTS

Mr. EARLY. Fine. What will the evaluation of the FBI's Uniform Crime Report entail?

Mr. RENSHAW. It is an assessment that we have asked the National Academy of Sciences to prepare a proposal on. If you are talking about years, it will probably be an effort that will continue over two or two and a half years. In terms of its focus, it will examine the computer software in which the system operates in the FBI, reporting from local agencies, the crime classifications that are used, and I think inevitably, Mr. Chairman, in a time of

budget constraints, it will look at the question of whether or not we need to receive and fund data from every single jurisdiction.

Currently, the coverage of UCR is 98 percent. That is, are there cost-effective means of sampling individual jurisdictions within states, across states, or various other forms of stratification?

I am afraid most statistical enterprises, when you reassess something that has been around 50 years, will cost several hundred thousand dollars and take a couple of years. But at this point the cooperation within the Department of Justice, between the FBI and the agency that I am currently directing, is very close and very cordial and we should expect that situation to continue.

Mr. EARLY. Fine.

EVALUATION OF NIJ AND BJS PROGRAMS

Mr. Diegelman, has the Department of Justice ever undertaken an evaluation of the programs of the Bureau of Justice Statistics or the programs of the National Institute of Justice. I am not inferring that they should. I just want to know if they have.

Mr. DIEGELMAN. Yes, of the predecessor agency to the National Institute of Justice, the National Institute of Law Enforcement and Criminal Justice, which was the equivalent organization before 1979. I believe the National Academy of Sciences did a two-year study analyzing and evaluating the whole research program, its focus and how they determined priorities. The result of that evaluation was in reality the creation of the National Institute of Justice with a presidential appointee as a director, and very significant changes in the whole area of determination of research priorities, the process by which they set the priorities, and establishment of peer review mechanism.

Mr. EARLY. Would you supply that for the record?

Mr. DIEGELMAN. Sure.

Mr. EARLY. Supply for the record, what recommendations suggested in that report, you think will be implemented.

Mr. DIEGELMAN. Sure.

[The information follows:]

Evaluation of NIJ

In 1975, the National Academy of Sciences' Committee on Research on Law Enforcement and Criminal Justice was contracted to perform an 18-month intensive evaluation of the programs of the National Institute of Law Enforcement and Criminal Justice (now the National Institute of Justice).

That evaluation produced 19 recommendations designed to strengthen the Institute's programs. A list of those recommendations is attached. (Attachment A).

In December of 1977, the Institute prepared a report (Attachment B) which described its implementation of the first 15 of the 19 recommendations, which the NAS study had considered as addressing "program quality and administration." These implementation efforts have continued since 1977, so that each recommended improvement has now been incorporated into the Institute's programs to the greatest extent practicable.

The final four recommendations, which the NAS considered "operating conditions," were beyond the authority of the Institute to implement in 1977. However, each of the issues raised by these four recommendations have subsequently been resolved by the provisions of the Justice System Improvement Act of 1979.

Attachment A

Recommendations from the NAS Evaluation
of the National Institute of Law
Enforcement and Criminal Justice

1. The Institute should develop more programs that are cumulative in nature.
2. The Institute should use a long-range set of priorities, like those discussed in V-IIB, to guide individual project choices, and should not require suggestions of immediate payoff.
3. The Institute should use devices for making funding choices that would force it to take deliberate and systematic stock of what related research has already been undertaken, to tighten research designs and to determine appropriate grantees and contractors.
4. All NILECJ grantees and contractors should make their data available for secondary analysis, replication, and verification upon completion of the project.
5. The Institute should use announcements of areas of interest as the primary means of generating concept papers and proposals, rather than relying heavily on solicitations with precise specifications of research design.
6. The presumption should be in favor of granting rather than contracting as the Institute's method for obtaining research. Within the chosen set of priorities and specific research interests, contracting should be limited to those projects with precise and known deliverables that would ideally be performed by contract and research organizations.
7. The Institute should use a variety of mechanisms to establish more positive relationships with a broadly defined research community and to enrich the dialogue between staff and quality researchers.
 - a. The Institute should raise its visibility in various potential grantee communities.
 - b. The Institute should make use of extended leave and exchange programs, to put researchers in grant development and administration work for select areas, and grant administrators who have been trained in research into academic settings to engage in research.
 - c. The Institute should clearly articulate its priority setting and funding procedures to the research community.

8. The Institute's budget should not be increased in the near future. The Institute should change its emphasis to smaller proposals within the program areas recommended in IIB or of a pilot nature, and to the major data efforts recommended in IIB; it should reassess its position with respect to the knowledge it will have developed in three years hence.
9. The Committee recommends that the Institute establish formal peer review procedures and an overall advisory panel for general program planning. To accomplish this, the Institute should structure a three-tiered advisory system, in the following way:
 - a. A statutory Advisory Board on Criminal Justice Research, to set overall priorities (see Recommendation 16 for details);
 - b. Program planning panels for each of a selected set of program areas;
 - c. Individual project review panels.
10. The Institute should employ a less obtrusive monitoring system which would allow more flexibility to grantees.
11. Substantive program areas, like those suggested in V-IIB, should be the basis for creating the framework for program administration and budget allocation. Functional divisions, whether they relate to criminal justice operations (police, courts, and corrections) or Institute mandates (dissemination, evaluation, technology) should serve only to provide particular expertise to program and project development, not to suggest substantive divisions.
12. Funding levels should not be rigidly fixed within substantive areas.
13. Strict funding cycles--two or three a year--should be established and adhered to.
14. NILECJ's research program, through its structure, should have appropriate evaluation, dissemination, and technology development functions integrated into the major research effort. These components should be represented on whatever decision-making mechanisms are developed to set the research agenda.

15. LEAA's domination over the Institute must be eliminated. At the very least, the Director must have full processing and sign-off authority over all Institute awards, control over Institute administrative budget, personnel, and detailed program review. The Committee also recommends that the Director should be appointed by the Attorney General of the United States, at the level of Assistant Attorney General.
16. Overall program priorities should be set by a statutorily authorized criminal justice research advisory board. A major portion of its membership should be leading scientists from the spectrum of relevant disciplines and should also include practitioners and members of the community having substantial interest in the problems to which the research ought to apply.
17. The Director should be chosen from candidates with significant experience and recognition in both research and research administration.
18. The National Criminal Justice Statistical Service, the National Institute of Juvenile Justice and Delinquency Prevention, and Project Search should all be included within the NILECJ structure. We endorse the idea of a Bureau of Criminal Justice Statistics; the ideal arrangement would be to locate this Bureau within an independent NILECJ.
19. The Committee recommends that major functions and activities that are extraneous to NILECJ's substantive research program, such as formalized technical assistance to criminal justice planners and practitioners in designing and performing project evaluations, or the packaging and marketing aspects of dissemination, be located within LEAA's Office of Regional Operations rather than in the Institute.

Attachment B

THE IMPLEMENTATION OF THE RECOMMENDATIONS MADE BY
THE COMMITTEE ON RESEARCH ON LAW ENFORCEMENT AND
CRIMINAL JUSTICE OF THE NATIONAL ACADEMY OF
SCIENCES CONCERNING THE NATIONAL INSTITUTE OF
LAW ENFORCEMENT AND CRIMINAL JUSTICE

A Report by the National Institute of Law Enforcement
and Criminal Justice

December 6, 1977

Introduction.

This report on the implementation by the National Institute of the recommendations made by the Committee on Research on Law Enforcement and Criminal Justice of the National Academy of Sciences represents the efforts made by the National Institute through the end of November, 1977. It expands on and updates the report given on October 7, 1977, by the Acting Director of the National Institute, Blair G. Ewing, to a joint meeting of the National Academy Committee and the Institute's Advisory Committee. It builds on the Testimony given by Mr. Ewing on July 21 and August 1, 1977, on the subject of Institute actions to make recommended changes.

The purpose of the report is to provide a written response to the final published report of the NAS Committee, entitled "Understanding Crime: An Evaluation of the National Institute of Law Enforcement and Criminal Justice," a report which was commissioned by and paid for by the National Institute.

This report deals with the first 14 of the 19 major recommendations contained in the report, since the last four recommendations require either major legislative changes or major reorganizations which, given the current organization mandated in the Crime Control Act of 1976, would require at least that a reorganization plan be presented to the Congress. Authority to undertake such changes lies elsewhere than in the Institute.

The report shows that major efforts have been made to implement all 15 recommendations within the authority of LEAA and the Institute to implement. Those efforts have succeeded except in the case of peer review panels. Peer review is now uniformly used, but panels in the sense suggested by the NAS Committee and with the functions it suggested are not now being used. The Institute is interested in experimenting with such panels and hopes to be able to do so in the future. A barrier is the requirement by the Office of Management and Budget that any such panels which meet more than once must be designated as and constituted as advisory committees under the government's advisory committee regulations.

The National Institute has done what the Chairman of the National Academy of Science's Committee called a unique sequence of actions: it has commissioned an evaluation of the Institute, it has cooperated with the evaluators, it has heard the report and the recommendations, and it has acted to implement virtually every one of them.

The following detailed account will show more precisely what has been done.

The Recommendations and the Institute's Action.

NAS Recommendation 1: The Institute should develop more programs that are cumulative in nature.

- 2 -

National Institute Response: We are expanding the research agreements program and continuing the National Evaluation Program, both of them aimed at cumulative knowledge-building. We are pursuing data-archiving efforts jointly with the National Criminal Justice Information and Statistics Service. We have developed a set of research priorities. For each of these, staff prepared detailed papers which lay out the background for that area of inquiry, the issues to be addressed, the researchable questions, and the kinds of research programs and projects which should and could be undertaken by the Institute in the near future and in the long range.

Those priorities are all intended to be pursued over at least a three to five year period, with major efforts in each aimed at accumulating what is known in each of those areas, summarizing it, synthesizing it, and then using that synthesis as the basis for future research. We are also focussing on cumulative knowledge in a number of specific areas, including studies of treatment effectiveness in correctional settings, probation practices, procedures, and laws; police patrol strategies and techniques, and several others. Staff have been told to focus on how to build knowledge cumulatively as they consider every project. Reviewers of final reports outside the Institute are asked to comment on what further research might need to be done to complete the work started in the project under review. There has been established in the Institute a Research Utilization Committee, composed of the Institute project monitor as well as persons from other units and disciplines. The Committee has a number of functions, among them the identification of further research and program development possibilities. From these recommendations, which come to the Director in writing, will come many suggestions for future research which is cumulative. In this area of knowledge building, the Institute recognizes that the research must to some degree be open ended, must depend on the selection of high quality investigators, and must strike a balance between pressing for cumulativeness and recognizing that sometimes research cannot be forced along certain lines. The planning of the research program through the use of a broad survey of academics and practitioners in the field of law enforcement and criminal justice and through the use of the outstanding panel which the Institute's Advisory Committee comprises will help to make the decisions about how to build knowledge sensibly and productively.

NAS Recommendation 2: The Institute should use a long-range set of priorities, like those discussed below (in the body of the NAS report) to guide individual project choices and should not require promises of immediate payoff.

National Institute Response: The Institute has developed a set of priorities which are very much like the ones proposed by NAS, which have been reviewed by its own Advisory Committee, which were the subject of a survey sent to 700 persons (with responses from 330 received and analyzed), and which have been adopted and incorporated in the Institute's published program plan. (A copy of that plan is enclosed as an attachment to this report.)

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The priorities include both basic and applied research, but involve a heavier emphasis on basic research than has been the case in the past. We have taken seriously the injunction that the distinction between basic and applied research is not always a real one, and that elements of both are likely to appear in the same program or project. What the Institute has done is to organize its research so that the more fundamental inquiry into the correlates and determinants of criminal behavior is given far more attention than it was given in the past. The Institute's list of priorities and that suggested by NAS are both set forth below for comparison's sake:

<u>Institute's 3 to 5 Year Priority List</u>	<u>NAS Suggested Priority List</u>
1. Correlates and determinants of crime	1. Data center for common data needs
2. Violent crime and violent offenders	2. Deterrent and incapacitative effects
3. Career Criminal	3. Rehabilitation
4. Community crime prevention	4. Analyzing the consequences of change in the criminal justice system
5. Deterrence	5. Socialization to crime
6. Utilization and deployment of police patrol resources	6. Focusing the criminal law
7. Pre-trial process: delay reduction and consistency	
8. Sentencing	
9. Rehabilitation	
10. Performance standards and measures for the criminal justice system	

There is not room in this brief report to review the definitions of these separate lists. The NAS Committee report sets forth its view of what it believes needs doing. The Institute's ten papers on the ten priorities do that for its list of priorities. Nevertheless, it needs to be said here that it is the Institute's view that items 2 through 5 in the NAS list are fully covered by items 1 through 9 in the Institute list. The data center for common data needs is certainly required, and is being pursued through the National Criminal Justice Information and Statistics Service with cooperation from and efforts by the Institute. The Institute is addressing these questions in large part through its new Office of Research and Evaluation Methods, which explores the approaches which need to be taken to solve methodological issues and to promote research which has promise of achieving solidly based results. With respect to item 6, focusing the criminal law, the specific suggestions contained in the NAS discussion about the nature and role of the criminal law are suggestions which the Institute is incorporating into its sentencing research, its research on pre-trial process, and its study of violent crime as well as of career criminals. A more specific focus on this suggestion is likely to arise out of current research as it comes to fruition in these areas.

In any case, the Institute feels a relatively high degree of confidence in its priorities. They correspond to staff views, to many of the suggestions made by NAS, are confirmed overwhelmingly by the responses to the survey done in the late summer and early fall of 1977 of 700 persons, and have been

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reviewed and in general agreed to by the Institute's own Advisory Committee.

NAS Recommendation 3: The Institute should use devices for making funding choices that would force it to take deliberate and systematic stock of what related research has already been undertaken, to tighten research designs and to determine appropriate grantees and contractors.

National Institute Response: The Institute has used planning grants for preliminary design work and intends to use more of them. Pre-grant awards will be used as well. We are bringing and will continue to bring groups of researchers together to explore specific kinds of issues where we think we would like to undertake research but where we need some help in defining specific research issues and directions. A colloquium held in the fall on Collective Violence is one example of such exploratory activities. We have made contacts with other Federal agencies and other research institutions and we are planning a number of joint enterprises with several different federal agencies. For example, we are planning with NIMH's Center for the Study of Crime and Delinquency and with the National Institute of Corrections a joint workshop on the problems of mental health in jails. The workshop will examine the issues that need to be addressed as well as what possible programmatic implications that research, once completed, might have.

As we design research programs, staff have been instructed first to review the state of the art of research and evaluation in the field or areas of research to be planned. The memorandum which project managers must prepare recommending approval of a grant must contain a description of the state of the art in that field in sufficient detail so that readers may have enough information on which to make informed judgments about whether the proposal is likely to advance or enhance knowledge. Research designs do need to be tightened. Clearly a major way to do that is to call on outside experts for their advice both on the research issues which need to be addressed and on the best approaches for addressing them. We are using outside experts in both ways at the start of the process, asking small groups to meet and to help us define which issues are significant and which need addressing in what order of priority in what ways. We are also asking outside experts to review concept papers and proposals, calling on them in their reviews to address both what the reviewer knows about the state of the art and what advantages and disadvantages exist in the proposed research design. It is required that program managers include the written reviews in the grant package they send to the Director of the Institute and to the Administrator of LEAA for approval. They must address in writing what, if anything, has been done to correct faults reviewers have noted; or, if the program managers believe reviewers are mistaken, they must point out in writing why and how they believe that to be so. It is important to respond to reviews in this way, so that we have recorded what has been said and what has been done about any criticisms.

With respect to the selection of appropriate grantees and contractors, we have permission to use grants whenever grants are appropriate. There is no

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prohibition on their use nor is there a restriction. We have issued instructions to staff that, with rare exceptions, grants will be awarded only after a solicitation has been sent to a very wide audience, and only after proposals have been received, reviewed internally and by at least two external reviewers for the purpose of determining in an unbiased way which is the best proposal.

NAS Recommendation 4: Upon completion of their projects, all NILECJ grantees and contractors should make their data available for secondary analysis, replication, and verification.

National Institute Response: All National Institute grants and contracts now have appended to them a written requirement that all data bases are to be supplied to us. We will place it in an archive which we are establishing jointly with the National Criminal Justice Information and Statistics Service. The archive, once it is fully operational, will make all data available to any researcher who may wish to make use of it.

NAS Recommendation 5: The Institute should use announcements of areas of interest as the primary means of generating concept papers and proposals, rather than relying heavily on solicitations with precise specifications of research design.

National Institute Response: The Institute has moved strongly on this recommendation. The Program Plan for Fiscal Year 1978 was available in xerox form in November, a number of months earlier in the fiscal year than previously. It is a relatively general announcement which will be followed up with program announcements in individual areas. We will use solicitations where those are appropriate, of course. However, especially in the areas of basic research where little work has been done before, we are relying on announcements of areas of interest.

NAS Recommendation 6: The presumption should be in favor of granting rather than contracting as the Institute's method for obtaining research. Within the chosen set of priorities and specific research interests, contracting should be limited to those projects with precise and known deliverable products, which would ideally be performed by contract and research organizations.

National Institute Response: It had been the decision of an earlier LEAA administration that a larger number of awards should be in the form of contracts. That decision has been rescinded. We may now use whichever mechanism is appropriate. We have used grants about three-quarters of the time since Mr. Gregg became Acting Administrator in February of 1977. We agree fully with this recommendation and are implementing it fully.

NAS Recommendation 7: The Institute should use a variety of mechanisms to establish more positive relationships with a broadly defined research

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community and to enrich the dialogue between staff and quality researchers.

- a. The Institute should raise its visibility in various potential grantee communities.
- b. The Institute should make use of extended leave and exchange programs to give researchers experience in grant development and administration and to give administrators who have been trained in research the opportunity to engage in research in academic settings.
- c. The Institute should clearly articulate its priority-setting and funding procedures to the research community.

National Institute Response: The Institute agrees fully with the recommendations. With regard to 7a, the Institute is using a number of new mechanisms. One that we have begun to employ is assembling a small number of researchers for a seminar on specific areas of research to help us define research opportunities and priorities. We are using increasing numbers of researchers to review both proposals and final reports. We have a new policy that says that no proposal will go forward unless it has been reviewed by at least two expert outside reviewers. Any objections those reviewers have either must be accounted for in the final proposal or else addressed satisfactorily by the government project monitor in writing.

We are planning to publish within a year, an annual review of research and evaluation results. We will set up an editorial review board, drawn in part from our Advisory Committee, for that annual review. We expect to select, with its advice, some subset of topics within the criminal justice and law enforcement field on which experts would write papers about the major contributions that have been made in the past year. We also expect to publish on an intermittent basis, but at least three or four times a year, a research bulletin which indicates research in progress both within the Institute and elsewhere. It will indicate also what kinds of program announcements and solicitations are likely to be forthcoming and what the dates of those will be. The first bulletin is to be published in February, 1978. We also plan to have a major research results workshop on an annual basis or else a series of separate ones on more limited topics. A decision on format has not yet been made.

We are encouraging staff and grantee publication in referred journals. We are sending more staff to professional meetings, though that is difficult given travel funds and other constraints. Four staff members, for example, gave panel papers at the November, 1977, meeting of the American Society of Criminology.

With respect to 7b, we have just begun a program which permits two or three staff members a year to apply for and receive up to a year to pursue research of their own design. Their research proposals are reviewed in the same way that other research proposals are reviewed.

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Only the highest quality ones will be approved. The first awards will be made early in 1978. We will try to replace them with researchers who are interested in taking over their responsibilities for the year or less involved. We have also established a small, in-house research program. Any staff member can now use 10 percent of his or her time for research which that staff member designs, so long as the supervisor approves the research plan. We are also exploring other ways to bring researchers into the Institute on a temporary basis.

The Institute has given a great many people an opportunity to review the way we set priorities and the priorities themselves. Proposed priorities were reviewed by the Advisory Committee to the Institute in the spring of 1977 and again in the fall of 1977 and were the subject of a survey sent to 700 people nationwide, not only researchers, but also practitioners, planners and government officials. Discussion of priorities constitutes the major portion of the program plan which is now available. The plan, program announcements and other publications planned for wide distribution carefully articulate program areas and procedures. We shall continue this process and enlarge on it as necessary.

We also recognize the urgent need to encourage development of a greater interest in the field of law enforcement and criminal justice research and, indeed, to encourage actively the enlargement of the community of interested researchers. We believe the workshops, broad publication of program announcements and expanded use of outside experts for proposal review will continue to encourage achievement of these ends.

NAS Recommendation 8: The Institute's budget should not be increased in the near future. The Institute should change its emphasis to smaller proposals within the program areas suggested below (the NAS recommended priorities discussed in the body of the report) or of a pilot nature and to the major data efforts suggested below; it should reassess its position with respect to the knowledge it will have developed in 3 to 5 years hence.

National Institute Response: There seems to be little danger of budget increases in the near future. For Fiscal Year 1977 the budget was \$27 million and for fiscal 1978 it was \$21 million. Budget decreases in the last few years have been one major reason to set priorities. That has been a good thing. We discussed our increasing use of smaller planning and pre-grant awards in response to Recommendation 3, above. A new unsolicited research program also encourages smaller grants. As for the assessment of the knowledge base, that will be a major staff responsibility as well as a focus of annual reports on the state of research described earlier.

NAS Recommendation 9: The Committee recommends that the Institute establish formal peer review procedures and an overall advisory panel for general program planning within the structure of a three-tiered advisory system:

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- a. a Statutory Advisory Board on Criminal Justice Research to set overall priorities (see Recommendation 16 for details);
- b. program planning panels for each of a selected set of program areas; and
- c. individual project review panels.

National Institute Response: We are working with our Advisory Committee to establish a better working relationship with it and to use it as a priority reviewing and priority setting committee for the overall program. The Institute cannot act on the recommendation for a statutory advisory board, of course. We have no objection to it.

While we regard program planning panels as a good idea, they pose a problem for us. According to a requirement of the Office of Management and Budget, such panels which meet more than once must be designated as and constituted as advisory committees under the government's advisory committee regulations. The administration is reducing the number of advisory committees. However, we do convene small groups of researchers on a one-time basis to help us explore the issues in potential program areas, as described earlier.

We are using project review panels increasingly. We have primarily a mail review process at present, but we have used groups increasingly in recent months to join us for a one-day meeting to review either concept papers or proposals.

Peer review panels are being explored. We would like to use them in the future in a number of areas.

NAS Recommendation 10: The Institute should employ a less obtrusive monitoring system that would allow more flexibility to grantees.

National Institute Response: Grantee flexibility is important and, clearly, "obtrusive" monitoring is neither efficient nor effective. The Institute agrees with the proposition that improved project design should lead to reduction in the necessity for "obtrusive" monitoring and we hope that turns out to be the case. We have not always had complete success, for whatever reason, with progress towards the achievement of the research results promised as we would have liked in the past. Government accountability is important as well. We expect to achieve greater flexibility and greater accountability through much better and tighter research designs on which we and the grantee have collaborated.

NAS Recommendation 11: Substantive program areas (like those suggested in the NAS priority areas in the body of the report) should be the basis for creating the framework for program administration and budget allocation. Functional divisions, whether they relate to criminal justice operations (police, courts, and corrections) or Institute mandates (dissemination,

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evaluation, and technology), should serve only to provide particular expertise to program and project development, not to suggest substantive divisions.

National Institute Response: We agree that the substantive program areas should be the basis for creating a framework for program administration. We have not abolished functional divisions but we have done some reorganization within the Institute in part to reflect our selected priorities and the need to make administration fit them. We believe that the priorities will, in fact, govern very largely the way in which funds are allocated. The administration of priorities, in the form of actual projects, are being accomplished primarily through interdivisional committees or task groups, rather than a thorough going reorganization along the lines of the priorities themselves. The divisions suggested by an organization which focuses on police, courts, and corrections has one advantage. It creates a locus for specific functional area research of which there is still a great amount. However, our priorities reflect our conviction that these divisions do not describe the key problems to be addressed by research. It is the key problems on which our substantive efforts will focus.

NAS Recommendation 12: Funding levels should not be rigidly fixed within substantive areas.

National Institute Response: We do not rigidly fix funding levels within substantive areas now, and we will be considerably more flexible in the future than in the past. We will not say that there are exactly \$300,000 available in one area. Of course, flexibility is ultimately limited by a smaller appropriation and by the need to prepare a budget. Therefore, the budget may estimate \$300,000 for an item. The proposal itself may come in for more or less, and we can be and we are being flexible on that basis.

NAS Recommendation 13: Strict funding cycles--two or three a year--should be established and adhered to.

National Institute Response: We have established fixed funding cycles in our Unsolicited Research Program and we have set fixed times for response to all program announcements or solicitations as well. In the Unsolicited Research Program, we set two fixed dates a year to receive and to review proposals, with the help of outside experts, not against our priorities, but against, simply, standards of quality. The remainder of the program is large and complex and it will take time to reduce funding cycles to a much smaller number, but we shall do that. The time table for response to program announcements or solicitations is much longer than in the past. In both cases, we have taken into account the calendar of the academic community to ensure that there is an opportunity for academic researchers to respond and encouragement to do so. Fixed times are set forth in our internal instructions to staff and are communicated with each program announcement.

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NAS Recommendation 14: The structure of NILECJ's research program should have appropriate evaluation, dissemination, and technology development functions integrated into the major research effort. These components should be represented on whatever decisionmaking mechanisms are developed to set the research agenda.

National Institute Response: The Institute insists that such integration occur. We have established a Research Utilization Committee composed of people from throughout the Institute which receives and reviews every final report in terms of its likely audience, its likely uses, its future research implications, its program possibilities--action program possibilities--and the publication and dissemination routes. That Committee prepares a report which lays out for action by the Director what the next steps are with respect to dissemination and technology development and transfer in that area. Dissemination options to be considered are many, including simply publication, but also including development of action programs based on research, technical assistance, training, workshops, seminars, or some combination of these. Recommendations are made to the Institute Director, who acts on those appropriate to the Institute and who sends those which are more appropriately acted on by other parts of the agency to those other offices.

That concludes our report on implementation by the Institute of the NAS recommendations which fall within the authority of LEAA and the Institute to implement. Recommendations 15-19 require legislative changes or major reorganizations or are otherwise out of agency or Institute control.

Staffing.

One other item, however, should be addressed. The NAS in Recommendation 17 speaks to the qualifications essential to the person chosen to be Director of the Institute with regard to his or her ability to attract the required research staff. The Committee speaks elsewhere in its report, and at some length, to the quality of the existing Institute staff. It must be said here that it is the position of the Institute that the staff is a very good one. There are always ways in which staff competence can be improved. The Institute's management has encouraged and supported staff efforts to obtain additional educational opportunities for themselves. Management is encouraging staff without doctorates to work for them. We are exploring the feasibility of offering, through a local university, a course on research methodology here in this building for all professional staff who are interested. We are providing the opportunity for staff to go to professional meetings, to give papers, and to do some writing. We have begun an in-house research program through which any staff member may use 10 percent of his or her time for research which that staff member designs, so long as the supervisor approves the research plan. We have also begun a program which permits two or three staff members a year to pursue research of their own design full-time, for up to a year.

We also recognize that there are other competencies which our staff does not have which could be added, that there are some additional kinds of people that we need to bring in. We are seeking those. We have some vacancies, and we expect that we will be able to add some of those competencies.

LEVEL OF BJS EFFORT PERFORMED EXTERNALLY

Mr. EARLY. How much of the work of the Bureau of Statistics is performed by contract and how much is performed in-house?

Mr. DIEGELMAN. The great majority of it is—I will let Mr. Renshaw correct me on this or add to it—the great majority is presently provided, particularly in the national crime survey or the victimization survey Mr. Renshaw discussed, is under interagency agreement by the Bureau of Census.

The other related activities that we do are in Expenditure and Employment and National Prisoner Statistics.

Ben, perhaps you can add to that.

Mr. RENSHAW. Yes, historically the Bureau of Justice Statistics and its predecessor agency within LEAA has always had a very small staff. By that I mean around 22 to 30 people. Therefore, for the most part those people have functioned to provide the standards and to provide the methodological oversight of a variety of other agencies that have directly collected the data for us.

As indicated, picking a representative year, in fiscal 1980 when our budget was \$19.6 million, somewhat in excess of \$10 million of that was an arrangement whereby the Bureau of the Census continued our activity in everything from the victimization surveys to the National Prisoners Statistics, which we took over in the early Seventies from the Bureau of Prisons, and a variety of series such as Expenditure and Employment.

In addition to that, we have helped fund such organizations as the National Council on Crime and Delinquency to maintain a network of states in the parole area. This cost several hundred thousand dollars more. The remainder of the money has gone into supporting state organizations along the lines I indicated. In 1980, with roughly \$20 million, about 65 to 72 percent would have been contract work. However, inasmuch as the largest amount of that was of course with the Bureau of the Census, it is not quite the same as putting a great deal of money into the private side of contracting.

Mr. EARLY. Would that run similar to the work of the National Institute of Justice, percentage-wise?

Mr. DIEGELMAN. No, sir, I would think that the great majority of work in the National Institute of Justice, and I will also let the director give you any more detail that you want on it, is primarily done through grants with either academic or nonprofit organizations, not through contracts. There are some support contracts.

This is the Acting Director, Mr. Harry Bratt.

Mr. BRATT. Yes. Again using 1980 as a base where we had \$25 million, the largest amount would have been for operating the National Criminal Justice Reference Service, which runs about \$2.5 million. Virtually all of the remaining money was awarded competitively, either grants or contracts. We have made approximately 120 different awards.

Mr. EARLY. Why don't you break that down for the record with respect to both the National Institute of Justice and the Bureau of Justice Statistics.

[The information follows:]

GRANTS VERSUS CONTRACTS

In fiscal year 1980, the last year for which data are complete, the National Institute of Justice expended approximately 25 percent of its budget through contracts and the remaining 75 percent through grants and cooperative agreements. The dollar totals were \$6,900,000 for contracts and \$18,000,000 for grants and cooperative agreements.

The Bureau of Justice Statistics expended approximately 34 percent of its budget through interagency agreements, 14 percent through contracts, and 52 percent through grants and cooperative agreements. The dollar totals were \$6,800,000 for interagency agreements, \$2,700,000 for contracts, and \$10,300,000 for grants and cooperative agreements.

Mr. EARLY. How do you determine how much you do in-house?

Mr. DIEGELMAN. Let me give a general answer to that because there is not an option to do too much of it in-house.

In the case of the Bureau of Justice Statistics, only 19 people are on board. In the National Institute of Justice about 60 people are on board. With a research budget on the order of \$20 to \$25 million, the 60 people that you presently have on board primarily do those types of administrative activities related to the development of the programs, the solicitation of the programs, review of the applications, and the administration of those grants after they have been awarded.

The same is true in both areas. We do very little intramural research primarily because the whole staffing of NIJ traditionally has been to focus on extramural research, with the great majority of the research being done in the academic world or in the private nonprofit world. Similarly, in the Bureau of Justice Statistics, as Mr. Renshaw pointed out, with only 19 people on board the great majority of statistical collection and analysis activities are done outside. The role that we play in both areas is primarily that of grant and contract administration.

Mr. EARLY. I would think that is the way it should be.

Mr. DIEGELMAN. Yes, sir.

Mr. EARLY. Mr. Dwyer?

Mr. DWYER. No questions.

Mr. EARLY. Thank you, Mr. Diegelman.

[The following questions were submitted for the record by Mr. Early:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

You do not mention some of the other important purposes of the Act, such as providing technical assistance, establishing training programs and a centralized research effort and developing and encouraging the implementation of national standards for the administration of juvenile justice. Have these things been accomplished or are they no longer needed?

Technical assistance, training, research, and standards efforts are largely categorically funded programs which will not be continued in FY 1982. In FY 1981 these efforts were allocated \$14 million. There is no provision in the Budget for their continuation. However, it is noted that the National Institute of Justice retains authority to continue or fund juvenile justice research projects. The work in standards development is largely accomplished, and the States, with the help and encouragement of private non-profit organizations and foundations, will continue to pursue implementation efforts. Training programs developed as of this fiscal year will have to rely on State and local support of participants through fee payment arrangements.

The Department of Justice's testimony during the reauthorization hearings last year also indicated that one place where improvement must be made is in the area of coordination. The Department's witnesses further stated that the Coordinating Council on Juvenile Justice and Delinquency Prevention presented a unique opportunity for federal agencies administering programs which impact on youth, to marshal their forces and act in a unified manner. Although some of the programs of these federal agencies may be eliminated under the President's budget, others including law enforcement programs, will still function and have an impact on youth. Is the need to coordinate these programs any less today, or has the coordination function of the Office of Juvenile Justice and Delinquency Prevention been transferred to another agency?

The need for more effective coordination of Federal juvenile delinquency programs and activities, including the development of related objectives and priorities, has long been recognized. The Coordinating Council on Juvenile Justice and Delinquency Prevention was statutorily established to address this need. One of the more specific functions of the Council was to participate in an annual analysis and evaluation of Federal juvenile delinquency programs, the expenditures made, the results achieved, the plans developed, and the problems encountered in operating and coordinating such programs.

The proposed elimination of the Office of Juvenile Justice's program and administrative budget in FY 1982 obviously requires some modifications in the scope of these responsibilities. The Department may be submitting statutory amendments which would both suspend the annual report and restrict Coordinating Council activities the next fiscal year. For the remainder of the current fiscal year we will concentrate our efforts in a selected number of priority areas where Federal leadership is clearly appropriate. Increasing reliance on internal staff resources (as opposed to contract support) will help ensure that this coordinating function is discharged in the most cost-effective manner possible. As one specific example of a more limited role for the Council, the Attorney General may focus attention on the policies and procedures of those Federal agencies which

have custodial responsibility for many detained youth, e.g., the Immigration and Naturalization Service, the U.S. Marshals Service, and the Bureau of Indian Affairs.

The Administration has not proposed a transfer of the Council's function to another agency.

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